

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, OCTOBER 2, 2018; 5:00 PM

CITY COUNCIL CHAMBERS

COMBINED PUBLIC HEARING & REGULAR MEETING

I. New Business

- A. Public Hearing for Case No. REZ18-14, request by Dan Elais to rezone 1.49 acres, more or less, of property located at 4435 East 53rd Street from R-2, Low Density Dwelling District to PDD, Planned Development District [Ward 6]

II. Next Public Hearing

- A. October 16, 2018

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Authority

- A. Summary of the September 26, 2018 City Council Meeting:

- 1. Resolution for case F18-10 of Riverstone Group Inc. for a final plat of Crow Valley Plaza Twelfth Addition on 14.67 acres, more or less, being a replat of Lot 1 of Crow Valley Plaza Tenth Addition located along the north side of East 56th Street and north of Lakeview Parkway containing two (2) lots. [Ward 6] **ADOPTED 2018-422**
- 2. Resolution approving the conveyance of vacated public right-of-way, that being a part of Fairhaven Road lying south of 53rd Street and between Lots 2 and 3 of Hanlin's Addition, WCT Investments, LLC, Petitioner [Ward 6]. **ADOPTED 2018-426**

III. Secretary's Report

- A. Consideration of the September 4, 2018 Plan and Zoning Commission meeting minutes.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

- i. Case FDP18-04: Request of Shawn Agan for a PDD - Planned Development District Final Development Plan for a self storage facility on 1.43 acres, more or less, located at 3730 West Locust Street. [Ward 1]

VI. Subdivision Activity

A. Old Business

B. New Business

- i. Case ROW18-03: Request of the City of Davenport for the vacation (abandonment) of 711 square feet, more or less, of alley right-of-way located northeast of Ridgewood Avenue and northwest of Middle Road. [Ward 6]

This item has been withdrawn.

- ii. Case F18-12: Request of Joseph Stuhr for a for a Final Plat for a 2 lot subdivision located west of Waverly Road and south of West 15th Street Court. [Ward 1].
- iii. Case F-13: Request of Christine Hall Shields Trust for a for a Final Plat for a 2 lot subdivision located west of Jersey Ridge Road approximately .3 miles north of East Kimberly Road [Ward 6].

VII. Future Business

- A. Case No. ORD18-05: Request by the City of Davenport to repeal and replace Title 17 of the Municipal Code, entitled, "Zoning" with a new zoning ordinance and map for the entire City [All Wards].

VIII. Communications

IX. Other Business

X. Adjourn

City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 888-2286

Date
10/2/2018

Subject:

Public Hearing for Case No. REZ18-14, request by Dan Elais to rezone 1.49 acres, more or less, of property located at 4435 East 53rd Street from R-2, Low Density Dwelling District to PDD, Planned Development District [Ward 6]

Recommendation:

Hold the Public Hearing.

Background:

Background:

Petitioner intends to develop the property for commercial purposes.

The preliminary land use plan submitted for the rezoning shows a 6000 sq. ft. retail building and a 3740 sq. ft. car wash. Access would be taken directly to 53rd street by a shared driveway.

Site Characteristics:

Current Land Use: The property is currently vacant. Previously, a single family dwelling resided on the site.

Comprehensive Plan. The property is within the Urban Service District and urban services can be reasonably accessed.

The Future Land Use Plan for this property indicates RG Residential General for the site and properties to the south and west. RC Regional Commercial is to the north and east.

Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Regional Commercial (RC) - Designates the most intense commercial areas that have service

boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes; although some residential, service and institutional uses may also be located within RC. Most people will drive or take transit to areas designated RC. However, good pedestrian systems should serve these areas and focus on connectivity from the street, through parking lots and between individual uses with connectivity to nearby neighborhoods being less important.

Existing Zoning: Existing zoning map is attached to this report.

Technical Review:

The City Traffic Engineer recommends closing of the median in order to limit access to right-in, right out. A break in the median was acceptable to provide access to the former single family home on the site, not for commercial development. Ideally, access to this property could be improved by the owner to the east allowing access to the Lakeview Parkway intersection. It is likely to be signalized in the future.

A meeting was held between City staff and the applicant on August 29. Staff's position on access was reinforced at that time.

Discussion:

Staff sees the principle issues to be land use compatibility and the limited access afforded to this relatively small site. Additional comments and recommendation will be made in the final staff report.

Public Input:

Public Meeting: A public meeting was held August 16 at the Public Works Center. Three neighbors attended. Concerns centered upon land use compatibility; namely, the proposed car was too intense to be located adjacent to single family residential.

Public Meeting Notice: 16 notices mailed August 8.

Signs Posted: Posted on August 6

Public Hearing QCT Notice: Published on August 23

Public Hearing Mailing: 16 notices mailed on August 24. Notices were resent on September 25.

Recommendation: To be presented with the final staff report.

ATTACHMENTS:

Type	Description
□ Backup Material	Application
□ Backup Material	Proposed Land Use Plan
□ Backup Material	Zoning Map
□ Backup Material	Future Land Use Map

- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material

Location Map
Notice
Mailing List

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	9/27/2018 - 1:54 PM

GALLAGHER, MILLAGE & GALLAGHER

A Professional Limited Liability Company

ATTORNEYS AND COUNSELORS AT LAW

ROBERT H. GALLAGHER
ROBERT S. GALLAGHER *
PETER G. GIERUT**
KRISTINA K. LYON**

3870 MIDDLE ROAD
TELEPHONE: (563) 355-5303
FAX: (563) 388-9240
WWW.GMGLAWFIRM.COM

ROBERT D. WELLS (1909-1990)

OF COUNSEL
DAVID A. MILLAGE

*ALSO LICENSED IN WISCONSIN
**ALSO LICENSED IN ILLINOIS

July 26, 2018

City of Davenport Iowa
Community Planning & Economic Development
c/o Ryan Rusnak, AICP
226 W. 4th Street
Davenport, IA 52801

Re: 4435 E 53rd Street
Davenport, IA

Dear Ryan:

Enclosed please find the following:

- a) Zoning Map Amendment Application;
- b) Exhibit "A" (Legal Description);
- c) Warranty Deed, Document No 2001-03531;
- d) Plat of Survey, Document No. 2000-36403;
- e) Agreement for Sale of Commercial Real Estate (contract);
- f) Articles of Organization of Musal Tract, L.C. and Iowa Secretary of State
Business Entity Summary reflecting active status;
- g) Site plan for E. 563rd St. Retail-Car Wash;
- h) Preliminary site plan for E 53rd St. Retail-Car Wash.
- i) Check for ~~\$750.00~~^{715.00} (application fee).

If you should have any questions or need further information, please contact myself or Robert H. Gallagher.

GALLAGHER, MILLAGE & GALLAGHER

Vera McCants
Real Estate Coordinator

copy to: Dan Elias

Encl.

Zoning Map Amendment Application

226 West 4th Street

CITY OF DAVENPORT, Iowa 52801
Community Planning & Economic Dev. 326-7765
Planning@ci.davenport.ia.us

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Property Address* 4435 E. 53rd St. Davenport IA 52867

*If no property address, please submit a legal description of the property.

Applicant (Primary Contact)**

Name: Dan ELIAS
Company: Track LLC
Address: 2465 53rd Ave.
City/State/Zip: Bettendorf IA 52722
Phone: (563) 680-5105
Email: Kdan36@gmail.com

Application Form Type:

Plan and Zoning Commission

Rezoning (Zoning Map Amendment) ☐
Zoning Ordinance Text Amendment ☐
Right-of-way or Easement Vacation ☐
Final Development Plan ☐
Voluntary Annexation ☐
Subdivision ☐

Owner (if different from Applicant)

Name: MIXAL TRACT L.C.
Company: 910 MEL FOSTER CO. ATTN: ROB
Address: 2211 E. 75TH ST. CT. FICKS
City/State/Zip: DAVENPORT, IOWA 52801
Phone: 563 359-4663
Email: LLEVETZOW@MELFOSTER.CO. ADM

Zoning Board of Adjustment

Appeal from an Administrative Decision ☐
Special Use Permit - New Cell Tower ☐
Home Occupation Permit ☐
Special Exception ☐
Special Use Permit ☐
Hardship Variance ☐

Engineer (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Design Review Board

Certificate of Design Approval ☐
Demolition Request in the Downtown ☐

Architect (if applicable)

Name: Joseph Gusse
Company:
Address: 4510 42nd Ave
City/State/Zip: Rock Island, IL 61201
Phone: (309) 781-9920
Email:

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

Floodplain Development ☐
Cell Tower Co-Location ☐
Identification Signs ☐
Site Plan ☐

Attorney (if applicable)

Name: Bob Gallagher Sr.
Company: Gallagher, Millage & Gallagher
Address: 9870 Middle Road
City/State/Zip: Bettendorf IA 52722
Phone: (563) 355-9303
Email: rgallaghersr@gmglawfirm.com



**If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.

Request:Existing Zoning: R-2 Low Density Dwelling DistrictProposed Zoning Map Amendment: Total Land Area: 1.49 A Please SelectDoes the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☐ No**Submittal Requirements:**

- The following items should be submitted to Planning@ci.davenport.ia.us for review:
- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
 - Zoning Map Amendment is less than 1 acre - \$400.
 - Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
 - Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
 - \$5.00 per sign; more than one sign may be required depending upon the area of the request.

Formal Procedure:**(1) Application:**

- Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Plan and Zoning Commission public hearing:

- After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
- The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
- Planning staff will send a public hearing notice to surrounding property owners.

(3) Plan and Zoning Commission's consideration of the request:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(4) City Council's consideration of the request:

- Planning staff will send a public hearing notice to surrounding property owners.
- The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: Robert C. Fink

Date: 7-2-18

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by: _____

Date: _____

Planning staff

Date of the Public Hearing: _____

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

City of Davenport Neighborhood Meeting Guidelines

Purpose:

The purpose of requiring applicants to conduct neighborhood meetings is to offer an opportunity for both applicant and neighboring residents/property owners to share ideas, offer suggestions, and air concerns in advance of the formal public hearing process.

Procedure:

1. The neighborhood meeting should be held at least one week before the scheduled public hearing for the case.
2. It is the responsibility of the applicant to coordinate the meeting date, time and location. It is necessary to coordinate with the Ward Alderman and both Alderman at Large prior to scheduling the meeting. Please note that Wednesday evenings should be avoided due to conflicting with City Council meetings. The Case Manager will provide you a map and mailing list of surrounding property owners, neighborhood representatives, and the Ward Alderman and both Alderman at Large. The applicant is responsible for the cost of the mailing and facility rental, if any.
3. The neighborhood meeting notice should include the meeting date, location and time, the map provided by the City and the applicant's contact information in case someone is unable to attend the meeting. Every effort should be made to contact all residents within the area as well as owners. If renters are assumed at a property, a notice should be sent to the address labeled, "Resident". Please provide the Case Manager with a copy of neighborhood meeting notice. The Case Manager or another member of City Staff will make every effort to attend the meeting, however, the primary purpose for attending is to be simply an observer and resource for factual information, if requested.
4. Following the meeting, the applicant shall compile a list of attendees as well as a meeting summary and submit it to the Case Manager by Thursday preceding the public hearing. Please include all handouts distributed at the meeting.

Authorization to Act as Applicant

I, Robert C. Fries
authorize _____
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council for the
property located at 4435 E. 53rd Street, Davenport, Iowa.

Robert C. Fries

Signature(s)*

*Please note: original signature(s) required.

Applicant:  _____

Date: 7-19-18

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by:  _____

Date: 7-30-18

Planning staff

Date of the Public Hearing: 9-4-18

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

EXHIBIT "A"

Part of the East half of the West half of the Southwest Quarter of Section 9, Township 78 North, Range 4 East of the 5th P.M., situated in the City of Davenport, Scott County, Iowa Commencing, as a point of reference, at the northwest corner of the Southwest Quarter of said Section 9; thence East (assumed bearing for this description) 663.45 feet along the north line of the Southwest Quarter of said Section 9 (also being the centerline of 53rd Street as now established) to a point on the west line of the East Half of the West Half of the Southwest Quarter of said Section 9; thence continuing East 384.08 feet along the north line of the Southwest Quarter of said Section 9, to the point of beginning; thence South 00°-24'-05" West 281.39 feet; thence South 89°-33'-45" feet to the east line of the East Half of the West Half of the Southwest Quarter of said Section 9; Thence North 0°-24'-5" East 281.39 feet, more or less to a point in the North line of the Southwest ¼ of said section 9; Thence North 0°-24'-5" East 281.39 feet, more or less to a point in the North line of the Southwest ¼ of said section 9; Thence North 89°33'45" West 279.35 feet, more or less to the point of beginning, except the northerly 50 feet thereof, and which is also described as set forth in the Plat of Survey recorded as Document No. 2000-36403 in the office of the Scott County Recorder.

More particularly described as follows:

Part of the East Half of the West Half of the Southwest Quarter of Section 9, Township 78 North, Range 4 East of the 5th P.M., being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Southwest Quarter of said Section 9; thence East (assumed bearing for this description) 1047.53 feet along the north line of the Southwest Quarter of said Section 9 to the northeast corner of olde Coventry First Addition to the City of Davenport, Iowa; thence South 00°-24'-05" West 50.00 feet along the east line of said olde Coventry First Addition to a point on the south right of way line of 53rd Street as now established in the City of Davenport, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence continuing South 00°-24'-05" West 231.39 feet along the east line of Lots 53, 54 and 55 of said olde Coventry First Addition to a point on the north line of Lot 40 of said olde Coventry First Addition;

thence South 89°-33'-45" East 279.35 feet along the north line of Lots 38, 39 and 40 of said olde Coventry First Addition to a point on the east line of the East Half of the West Half of the Southwest Quarter of said Section 9;

thence North 00°-24'-05" East 233.52 feet along the east line of the East Half of the West Half of the Southwest Quarter of said Section 9 to a point on the south right of way line of said 53rd Street;

thence West 279.36 feet along the south right of way line of said 53rd Street to the point of beginning.

Containing 1.49 acres, more or less, subject to easements of record.

THE IOWA STATE BAR ASSOCIATION Official Form No. 101		David A. Dettmann ISBA # 1207		FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER	
---	--	-------------------------------	--	--	--

REAL ESTATE TRANSFER TAX PAID 74 <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> 2/16/00 STAMP# RECORDER DATE COUNTY </div>	<div style="text-align: center;">2001-03534</div> <div style="text-align: center;">FEE \$16.00</div> <div style="text-align: center;"> RECORDED OF DEEDS SCOTT COUNTY, IOWA FEB 9 1105 </div> <div style="text-align: right; margin-top: 10px;"> Transfer Fee 5.00 Recording Fee 11.00 </div>
---	---

Preparer Information: David A. Dettmann, 220 North Main Street, Davenport, IA 52801-1305 Individual's Name: _____ Street Address: _____ City: _____ Phone: _____	SPACE ABOVE THIS LINE FOR RECORDER
---	---------------------------------------

Address Tax Statement: Musal Tract, L.C.,
 3211 E 35th St Ct Davenport IA 52807

WARRANTY DEED

For the consideration of Ten and no/100 (\$10.00)
 Dollar(s) and other valuable consideration,
THEODORE H. MUSAL and DOROTHY MAMIE MUSAL, husband and wife,
aka Dorothy M. Musal

do hereby Convey to
MUSAL TRACT, L.C., an Iowa Limited Liability Company,

the following described real estate in SCOTT County, Iowa:

Part of the East half of the West half of the Southwest Quarter of Section 9, Township 78 North, Range 4 East of the 5th P.M., situated in the City of Davenport, Scott County, Iowa.

Commencing, as a point of reference, at the northwest corner of the Southwest Quarter of said Section 9; thence East (assumed bearing for this description) 663.45 feet along the north line of the Southwest Quarter of said Section 9 (also being the centerline of 53rd Street as now established) to a point on the west line of the East Half of the West Half of the Southwest Quarter of said Section 9; thence continuing East 384.08 feet along the north line of the Southwest Quarter of said Section 9, to the point of beginning; thence South 00°-24'-05" West 281.39 feet; thence South 89°-33'-45" East 279.35 feet to the east line of the East Half of the West Half of the Southwest Quarter of said Section 9; Thence North 0°-24'-5" East 281.39 feet, more or less to a point in the North line of the Southwest 1/4 of said section 9; Thence North 89°33'45" West 279.35 feet, more or less to the point of beginning, except the northerly 50 feet thereof, and which is also described as set forth in the Plat of Survey recorded as Document No. 2000-36403 in the office of the Scott County Recorder.

More particularly described in the attached Exhibit "A".

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

STATE OF IOWA, ss: Dated: 12-7-2000

SCOTT COUNTY,
 On this 7th day of December,
2000, before me, the undersigned, a Notary Public in and for said State, personally appeared THEODORE H. MUSAL and DOROTHY MAMIE MUSAL, husband and wife.

to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

R. Harold Pope
 Notary Public

(This form of acknowledgment for individual grantor(s) only)

Theodore H. Musal (Grantor)
Dorothy Mamie Musal (Grantor)
aka Dorothy M. Musal (Grantor)

December 13, 2000

VMCE # 00317

LEGAL DESCRIPTION
FOSTER PURCHASE FROM MUSAL
DAVENPORT, IOWA

Part of the East Half of the West Half of the Southwest Quarter of Section 9, Township 78 North, Range 4 East of the 5th P.M., being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Southwest Quarter of said Section 9; thence East (assumed bearing for this description) 1047.53 feet along the north line of the Southwest Quarter of said Section 9 to the northeast corner of olde Coventry First Addition to the City of Davenport, Iowa; thence South $00^{\circ}-24'-05''$ West 50.00 feet along the east line of said olde Coventry First Addition to a point on the south right of way line of 53rd Street as now established in the City of Davenport, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence continuing South $00^{\circ}-24'-05''$ West 231.39 feet along the east line of Lots 53, 54 and 55 of said olde Coventry First Addition to a point on the north line of Lot 40 of said olde Coventry First Addition;

thence South $89^{\circ}-33'-45''$ East 279.35 feet along the north line of Lots 38, 39 and 40 of said olde Coventry First Addition to a point on the east line of the East Half of the West Half of the Southwest Quarter of said Section 9;

thence North $00^{\circ}-24'-05''$ East 233.52 feet along the east line of the East Half of the West Half of the Southwest Quarter of said Section 9 to a point on the south right of way line of said 53rd Street;

thence West 279.36 feet along the south right of way line of said 53rd Street to the point of beginning.

Containing 1.49 acres, more or less, subject to easements of record.

EXHIBIT "A"

TOTAL P.02

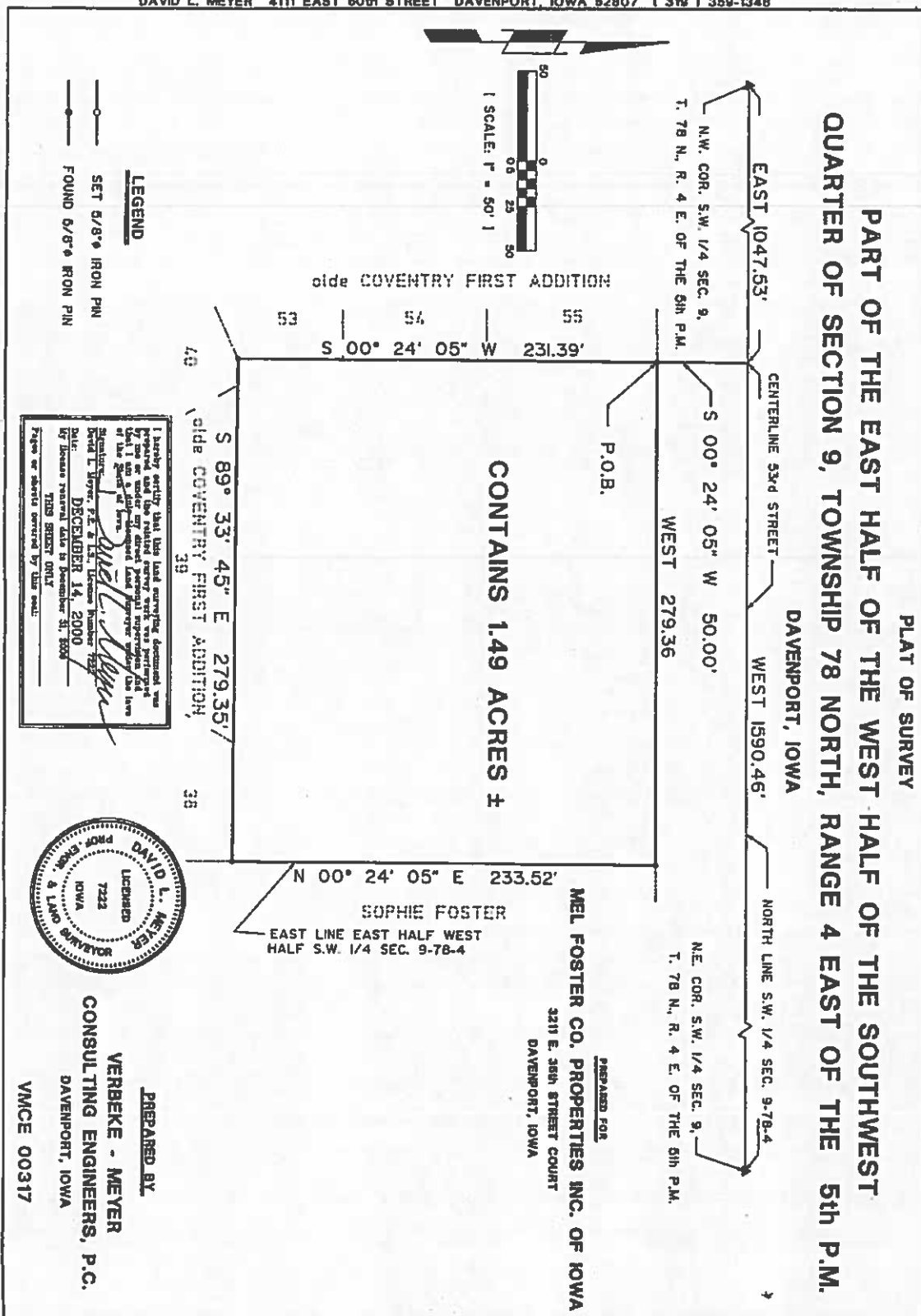
2000-36403

FEE

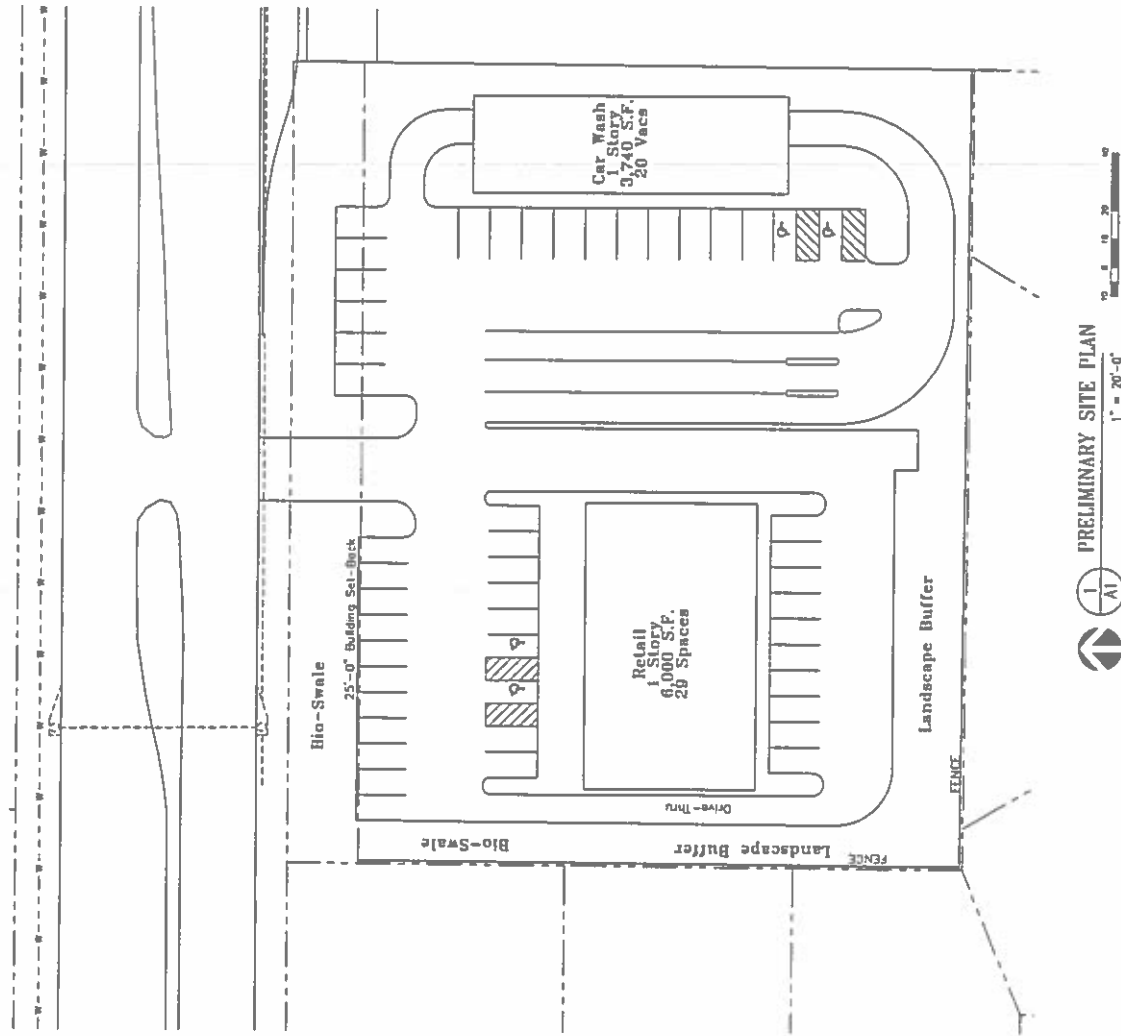
RECORDED OF DEEDS
SCOTT COUNTY, IOWA

2000 DEC 15 AM 11 39

DAVID L. MEYER 4111 EAST 60th STREET DAVENPORT, IOWA 52807 (319) 359-1348



East 53rd Street Retail—Car Wash
Davenport, Iowa



PRELIMINARY SITE PLAN

$$\underline{1^\circ = 20' - 0''}$$


PRELIMINARY
SITE PLAN
DATE
6 June 2018

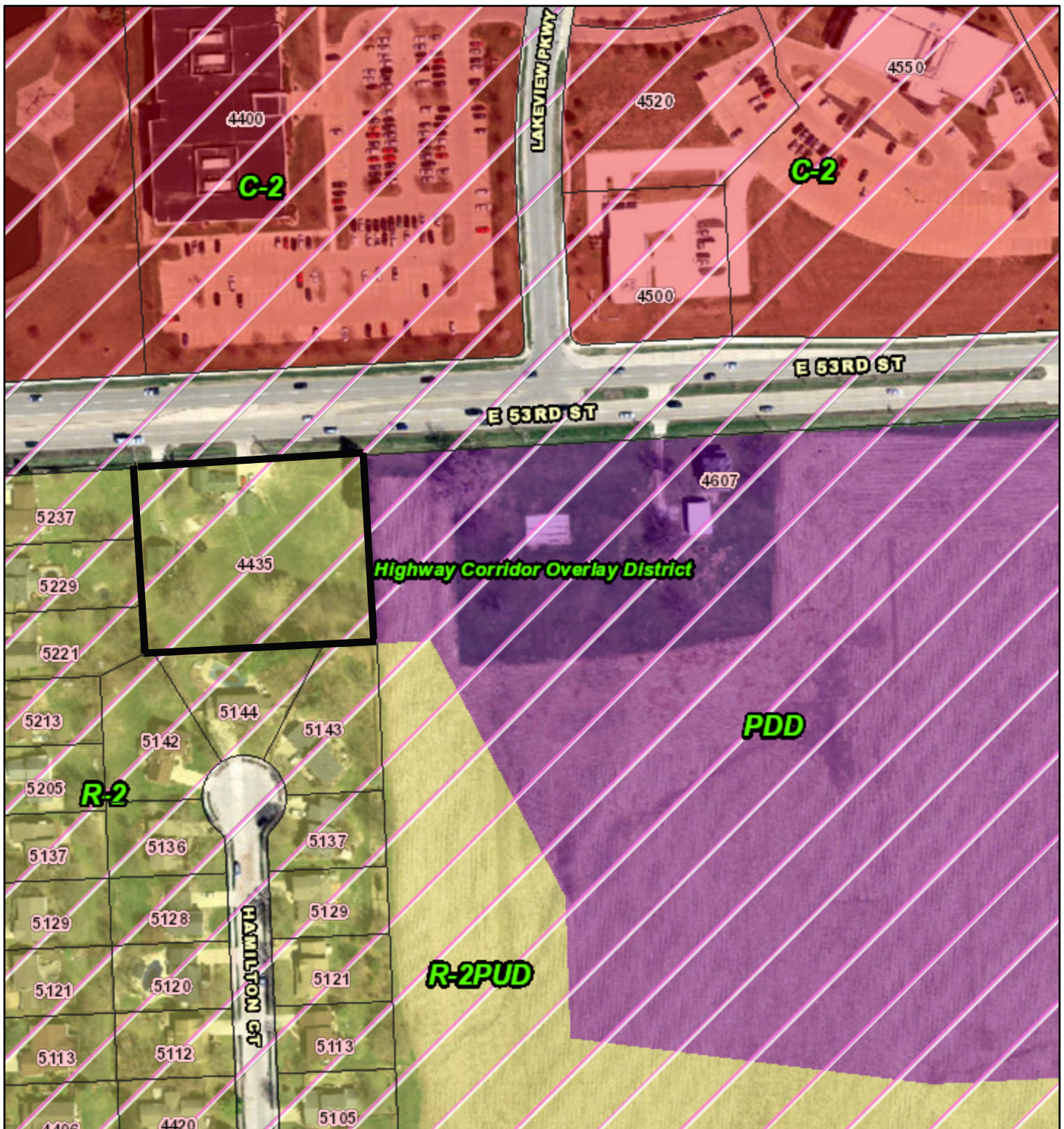
A

03/18/2017

**Final Preliminary Site Plan for
E 53rd Str Retail-Car Wash
Davenport, Iowa**

1900-1901
 1902-1903
 1904-1905
 1906-1907
 1908-1909
 1910-1911
 1912-1913
 1914-1915
 1916-1917
 1918-1919
 1920-1921
 1922-1923
 1924-1925
 1926-1927
 1928-1929
 1930-1931
 1932-1933
 1934-1935
 1936-1937
 1938-1939
 1940-1941
 1942-1943
 1944-1945
 1946-1947
 1948-1949
 1950-1951
 1952-1953
 1954-1955
 1956-1957
 1958-1959
 1960-1961
 1962-1963
 1964-1965
 1966-1967
 1968-1969
 1970-1971
 1972-1973
 1974-1975
 1976-1977
 1978-1979
 1980-1981
 1982-1983
 1984-1985
 1986-1987
 1988-1989
 1990-1991
 1992-1993
 1994-1995
 1996-1997
 1998-1999
 2000-2001
 2002-2003
 2004-2005
 2006-2007
 2008-2009
 2010-2011
 2012-2013
 2014-2015
 2016-2017
 2018-2019
 2020-2021
 2022-2023
 2024-2025
 2026-2027
 2028-2029
 2030-2031
 2032-2033
 2034-2035
 2036-2037
 2038-2039
 2040-2041
 2042-2043
 2044-2045
 2046-2047
 2048-2049
 2050-2051
 2052-2053
 2054-2055
 2056-2057
 2058-2059
 2060-2061
 2062-2063
 2064-2065
 2066-2067
 2068-2069
 2070-2071
 2072-2073
 2074-2075
 2076-2077
 2078-2079
 2080-2081
 2082-2083
 2084-2085
 2086-2087
 2088-2089
 2090-2091
 2092-2093
 2094-2095
 2096-2097
 2098-2099
 2100-2101
 2102-2103
 2104-2105
 2106-2107
 2108-2109
 2110-2111
 2112-2113
 2114-2115
 2116-2117
 2118-2119
 2120-2121
 2122-2123
 2124-2125
 2126-2127
 2128-2129
 2130-2131
 2132-2133
 2134-2135
 2136-2137
 2138-2139
 2140-2141
 2142-2143
 2144-2145
 2146-2147
 2148-2149
 2150-2151
 2152-2153
 2154-2155
 2156-2157
 2158-2159
 2160-2161
 2162-2163
 2164-2165
 2166-2167
 2168-2169
 2170-2171
 2172-2173
 2174-2175
 2176-2177
 2178-2179
 2180-2181
 2182-2183
 2184-2185
 2186-2187
 2188-2189
 2190-2191
 2192-2193
 2194-2195
 2196-2197
 2198-2199
 2200-2201
 2202-2203
 2204-2205
 2206-2207
 2208-2209
 2210-2211
 2212-2213
 2214-2215
 2216-2217
 2218-2219
 2220-2221
 2222-2223
 2224-2225
 2226-2227
 2228-2229
 2230-2231
 2232-2233
 2234-2235
 2236-2237
 2238-2239
 2240-2241
 2242-2243
 2244-2245
 2246-2247
 2248-2249
 2250-2251
 2252-2253
 2254-2255
 2256-2257
 2258-2259
 2260-2261
 2262-2263
 2264-2265
 2266-2267
 2268-2269
 2270-2271
 2272-2273
 2274-2275
 2276-2277
 2278-2279
 2280-2281
 2282-2283
 2284-2285
 2286-2287
 2288-2289
 2290-2291
 2292-2293
 2294-2295
 2296-2297
 2298-2299
 2300-2301
 2302-2303
 2304-2305
 2306-2307
 2308-2309
 2310-2311
 2312-2313
 2314-2315
 2316-2317
 2318-2319
 2320-2321
 2322-2323
 2324-2325
 2326-2327
 2328-2329
 2330-2331
 2332-2333
 2334-2335
 2336-2337
 2338-2339
 2340-2341
 2342-2343
 2344-2345
 2346-2347
 2348-2349
 2350-2351
 2352-2353
 2354-2355
 2356-2357
 2358-2359
 2360-2361
 2362-2363
 2364-2365
 2366-2367
 2368-2369
 2370-2371
 2372-2373
 2374-2375
 2376-2377
 2378-2379
 2380-2381
 2382-2383
 2384-2385
 2386-2387
 2388-2389
 2390-2391
 2392-2393
 2394-2395
 2396-2397
 2398-2399
 2400-2401
 2402-2403
 2404-2405
 2406-2407
 2408-2409
 2410-2411
 2412-2413
 2414-2415
 2416-2417
 2418-2419
 2420-2421
 2422-2423
 2424-2425
 2426-2427
 2428-2429
 2430-2431
 2432-2433
 2434-2435
 2436-2437
 2438-2439
 2440-2441
 2442-2443
 2444-2445
 2446-2447
 2448-2449
 2450-2451
 2452-2453
 2454-2455
 2456-2457
 2458-2459
 2460-2461
 2462-2463
 2464-2465
 2466-2467
 2468-2469
 2470-2471
 2472-2473
 2474-2475
 2476-2477
 2478-2479
 2480-2481
 2482-2483
 248

REZ18-14 4435 E 53rd Street Existing Zoning



8/7/2018 2:39:51 PM

- Parks
- Parcels
- Street Centerline (Labels only)
- Piped Creeks
- City Limit
- Address Points

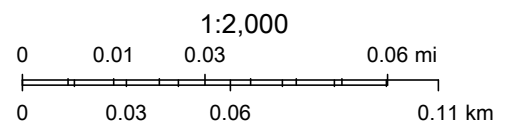
Creeks

- Named Creeks
- Unnamed Tributaries

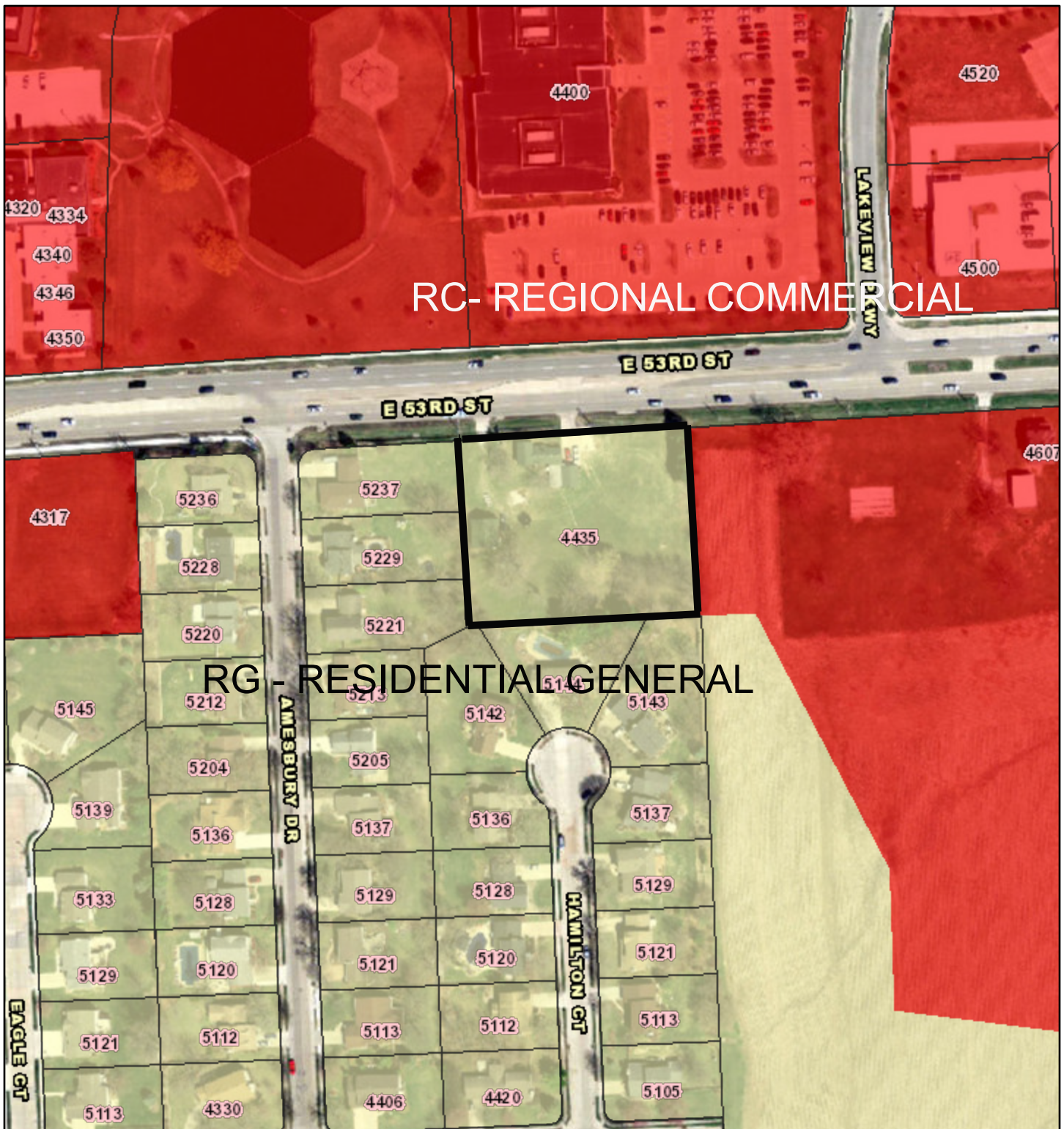
Zoning Districts

- A-1 Agricultural
- R-1 Low Density Dwelling District

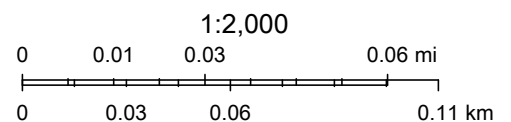
Scott County Iowa, Bi-State Regional Commission



REZ18-14 4435 E 53rd Street Future Land Use



8/7/2018 2:50:36 PM



- Parks
- Piped Creeks
- Parcels
- City Limit
- Street Centerline (Labels only)
- Address Points
- Creeks
- Named Creeks
- Unnamed Tributaries
- Land Use+2035
- Urban Corridor
- Commercial Node

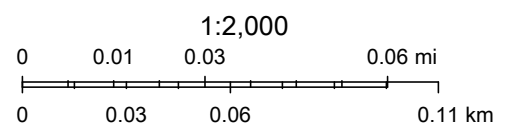
Scott County Iowa, Bi-State Regional Commission

4435 E 53rd



8/3/2018 1:37:51 PM

- Parks
- Unnamed Tributaries
- Parcels
- Piped Creeks
- Street Centerline (Labels only)
- City Limit
- Creeks
- Address Points
- Named Creeks



Scott County Iowa, Bi-State Regional Commission

**NOTICE
PUBLIC HEARING
TUESDAY, OCTOBER 2, 2018, 5:00 PM
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
CITY HALL, 226 WEST 4TH STREET, DAVENPORT, IOWA 52801**

Please be aware of possible zoning changes that may impact your property or neighborhood.

Case No. REZ18-14: Request by Dan Elias to rezone 1.49 acres, more or less, of property located at 4435 East 53rd Street from R-2 (Low Density Dwelling District) to PDD (Planned Development District) [Ward 6] (See map of the affected property on reverse side of this notice).

This case has been tabled since September 4, 2018.

If successful, this rezoning could result in the construction of a commercial development, including an automated car wash.

A public hearing will be held on the matter by the Plan and Zoning Commission at the location, date and time listed above. At the public hearing, the Commission will hear comments for and against the proposal, and field questions. As a property owner within 200 feet of the proposed rezoning, you have the opportunity to formally protest the action. To do so, please contact the Community Planning Division in writing via regular mail or email.

If you have any questions regarding the proposal, please contact the Community Planning Division.

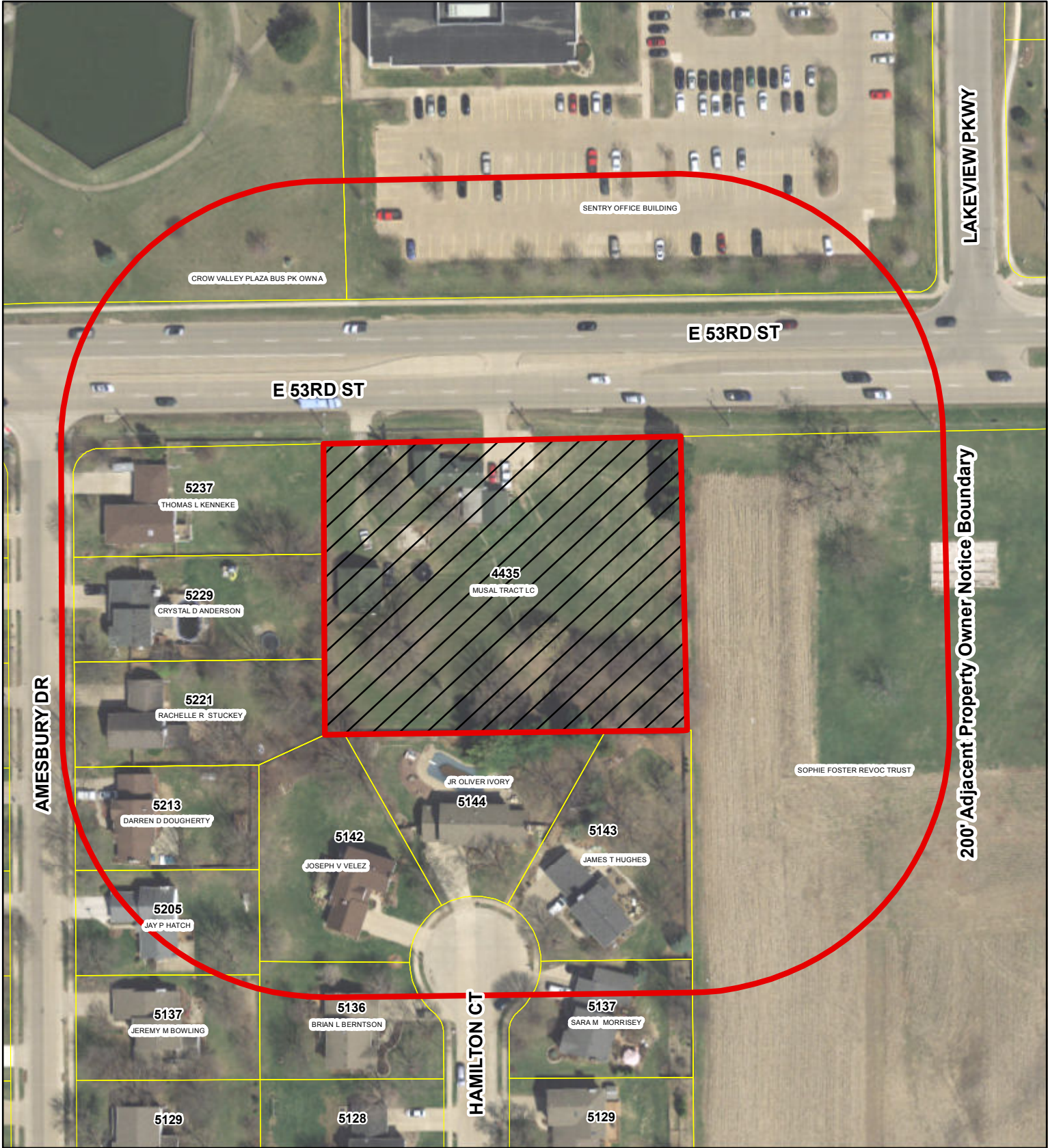
Case No. REZ18-14

EMAIL: planning@ci.davenport.ia.us

Phone: (563) 326-7765

Request for a Zoning Map Amendment (Rezoning)

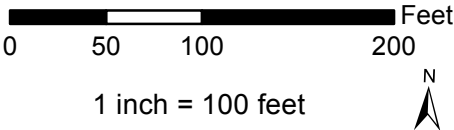
Plan & Zoning Commission: Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Legend

 Subject Property



Parcel	Address	Deed1_Name	Deed1_Addr	Deed1_CSZ
N0909-03C	4435 E 53RD ST	MUSAL TRACT LC	3211 E 35TH CT	DAVENPORT IA 52807
N0909B02	5136 HAMILTON CT	BRIAN L BERNTSON	5136 HAMILTON CT	DAVENPORT IA 52807
N0909B03	5142 HAMILTON CT	JOSEPH V VELEZ	5142 HAMILTON CT	DAVENPORT IA 52807
N0909B04	5144 HAMILTON CT	JR OLIVER IVORY	5144 HAMILTON CT	DAVENPORT IA 52807
N0909B05	5143 HAMILTON CT	JAMES T HUGHES	5143 HAMILTON CT	DAVENPORT IA 52807
N0909B06	5137 HAMILTON CT	SARA M MORRISEY	5137 HAMILTON CT	DAVENPORT IA 52807
N0909B15A	5237 AMESBURY DR	THOMAS L KENNEKE	5237 AMESBURY DR	DAVENPORT IA 52807
N0909B16	5229 AMESBURY DR	CRYSTAL D ANDERSON	5229 AMESBURY DR	DAVENPORT IA 52807
N0909B17	5221 AMESBURY DR	RACHELLE R STUCKEY	5221 AMESBURY DR	DAVENPORT IA 52807
N0909B17	5221 AMESBURY DR	RACHELLE R STUCKEY	5221 AMESBURY DR	DAVENPORT IA 52807
N0909B18	5213 AMESBURY DR	DARREN D DOUGHERTY	5213 AMESBURY DR	DAVENPORT IA 52807
N0909B19	5205 AMESBURY DR	JAY P HATCH	5205 AMESBURY DR	DAVENPORT IA 52807
N0909B20	5137 AMESBURY DR	JEREMY M BOWLING	5137 AMESBURY DR	DAVENPORT IA 52807
N0910-01	4607 E 53RD ST	SOPHIE FOSTER REVOC TRUST	6590 GOLF COURSE RD	BETTENDORF IA 52722
Y0917-01A	4400 E 53RD ST	SENTRY OFFICE BUILDING	4400 E 53RD ST	DAVENPORT IA 52807
Y0917-12K		CROW VALLEY PLAZA BUS PK	5401 VICTORIA AV	DAVENPORT IA 52807

City of Davenport
Plan and Zoning Commission

Department: Community Planning and Economic Development
Department
Contact Info: Ryan Rusnak 563-888-2022
rrusnak@ci.davenport.ia.us

Date
10/2/2018

Subject:
Consideration of the September 4, 2018 Plan and Zoning Commission meeting minutes.

ATTACHMENTS:

Type	Description
▢ Backup Material	Minutes

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Rusnak, Ryan	Approved	9/13/2018 - 4:56 PM

CITY PLAN AND ZONING COMMISSION
Public Hearing and Regular Meeting Minutes

Tuesday, September 4, 2018 at 5:00 PM
Council Chambers
226 West 4th Street
Davenport, Iowa 52801

PUBLIC HEARING AGENDA

Roll Call of the Membership

Present: Connell, Hepner, Lammers, Johnson, Maness, Medd, Quinn, Reinartz and Tallman.

Excused: Inghram.

Staff Present: Rusnak, Heyer, Koops and Melton.

OLD BUSINESS

There was none.

NEW BUSINESS

1. Case REZ18-14: Request by Dan Elias, Track, LLC to rezone 1.49 acres, more or less of property located at 4435 E. 53rd Street from R-2, Low Density Dwelling District to PDD, Planned Development District [Ward 6]

City staff indicated that the applicant provided a written request to table this item to the 9-18-2018 Plan and Zoning Commission Public Hearing.

Connell opened the public hearing and asked if anyone in the audience wished to speak in favor or in opposition to the request.

No one from the audience spoke.

Motion by Maness, second by Tallman to table REZ18-14 to the September 13, 2018 Plan and Zoning Commission public hearing. Motion to table was (8-0) by voice vote.

2. Case ROW18-03: Request of the City of Davenport for the vacation (abandonment) of 711 square feet, more or less, of alley right-of-way located northeast of Ridgewood Avenue and northwest of Middle Road. [Ward 6]

Rusnak summarized the staff report. He indicated that the property at 2508 Middle Road has objected to the request and that a representative of the property owner at 2508 Middle Road has requested that the City table the request.

Rusnak indicated that there would be another opportunity for public input at the October 2, 2018, and therefore, the City is not in favor of tabling the request.

Property owners from 704 Ridgewood Avenue and 2516 Middle Road spoke in favor of the request.

A representative of the property owner at 2508 Middle Road spoke in opposition to the request.

There were a few questions from Plan and Zoning Commissioners.

Connel closed the public hearing.

The public hearing end at approximately 5:34 pm.

REGULAR MEETING AGENDA

I. Roll Call of the Membership

Present: Connell, Hepner, Lammers, Johnson, Maness, Medd, Quinn, Reinartz and Tallman.

Excused: Inghram.

Staff Present: Rusnak, Heyer, Koops and Melton.

II. Report of the City Council Activity

1. Third Consideration: Ordinance for Case No. REZ18-08 being the request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a rezoning on 6.5 acres, more or less, located along the south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District to facilitate commercial development. [Ward 6] **ADOPTED 2018-364**
2. Third Consideration: Ordinance for Case No. ROW18-01 being the request of William Torchia on behalf of WCT Investments Davenport Series, LLC for the vacation (abandonment) of 0.34 acre (14,812 square feet), more or less, of right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street to facilitate commercial development. [Ward 6] **ADOPTED 2018-365**
3. Resolution approving Case No. FDP18-03 being the request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a PDD Planned Development District Final Development Plan on property located on the south side of East 53rd Street approximately 385 feet east of Lorton Avenue. [Ward 6] **ADOPTED 2018-366**
4. Resolution approving Case No. CP18-02 being the request of the City of Davenport to amend the Davenport 2035 Future Land Use Map Designation from "RG" Residential General to Commercial Corridor on 6.5 acres of property, more or less, located along the south side of East 53rd Street east of Lorton Avenue. [Ward 6] **ADOPTED 2018-370**

III. Secretary's Report

Consideration of the August 14, 2018 meeting minutes.

Motion by Hepner, second by Tallman to approve the August 14, 2018 meeting minutes.
Motion to approve was (8-0) by voice vote.

IV. Report of the Comprehensive Plan Committee

There was none.

V. Zoning Activity

A. Old Business

There was none.

B. New Business

1. Case REZ18-12: Request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]

Rusnak summarized the staff report.

Finding:

The use of the property would achieve consistency with the Residential General Davenport 2035 Future Land Use designation because the proposed design and conditions recommended by City staff would adequately safeguard surrounding residential development.

Staff recommends the Plan and Zoning Commission accept the listed finding and forward Case REZ18-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

No other comments were presented.

Motion by Medd, second by Hepner to accept the listed finding and forward Case REZ18-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

Motion to approve was (8-0) by roll call vote.

2. Case REZ18-13: Request of Hawkeye Paving to rezone 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from "A-1" Agricultural District to "M-1" Light Industrial District to facilitate development of a new Contractor headquarters, shop and equipment storage. [Ward 2]

Koops summarized the staff report.

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The proposed use is consistent with adjacent uses/business to the north, east, and south.

Staff recommends the Plan and Zoning Commission forward Case REZ18-13 to the City Council for approval.

Motion by Medd, second by Hepner to accept the listed finding and forward Case REZ18-13 to the City Council with a recommendation for approval.

Motion to approve was (8-0) by roll call vote.

VI. Subdivision Activity

A. Old Business

There was none.

B. New Business

1. Case ROW18-02: Request of the City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]

Medd stated that he would abstain from speaking or voting on this due to a conflict of interest.

Koops summarized the staff report.

Finding:

The vacation furthers the City plans to relocate this street to the north and abandon with ROW.

Staff recommends the Plan and Zoning Commission accepts the listed finding and forward Case ROW18-02 to the City Council with a recommendation for approval subject to the recording of a public utility easement for any remaining utilities.

Motion by Quinn, second by Tallman to accept the listed finding and forward Case ROW18-02 to the City Council with a recommendation for approval subject to the recording of a public utility easement for any remaining utilities..

Motion to approve was (7-0) by roll call vote (Medd abstained).

2. Case P18-05: Request of Kerry Condon on behalf of Pine Partners LLC for a Preliminary Plat for a 63 lot subdivision located west of Division Street and north of West 55th Street.

Rusnak summarized the staff report.

Findings:

1. The plat conforms to the comprehensive plan Davenport+2035; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision ordinance requirements for a preliminary plat.

Staff recommends the City Plan and Zoning Commission accept the listed findings and forward Case No. P18-05 to the City Council with a recommendation for approval subject to the following conditions:

1. That (Quarter) Section Lines be shown on the preliminary plat;
2. That the word "proposed" be removed from 5 under Notes on the preliminary plat; and
3. That the roundabout be removed on Howell Street.

Motion by Quinn, second by Tallman to accept the listed findings and forward Case P18-05 to the City Council with a recommendation for approval subject to the following conditions:

1. That (Quarter) Section Lines be shown on the preliminary plat;
2. That the word "proposed" be removed from 5 under Notes on the preliminary plat; and
3. That the roundabout be removed on Howell Street.

Motion to approve was (8-0) by roll call vote.

VII. Other Business

There was none.

VIII. Future Business

There was none.

IX. Communications (Time open for citizens wishing to address the Commission on matters not on the established agenda)

No one from the audience spoke.

X. Adjourn

The meeting adjourned at approximately 5:43 pm.

City of Davenport
Plan and Zoning Commission

Department: Community Planning and Economic Development
Department
Contact Info: Ryan Rusnak 563-888-2022
rrusnak@ci.davenport.ia.us

Date
10/2/2018

Subject:

Case FDP18-04: Request of Shawn Agan for a PDD - Planned Development District Final Development Plan for a self storage facility on 1.43 acres, more or less, located at 3730 West Locust Street. [Ward 1]

Recommendation:

Findings:

1. The proposed development would be consistent with the RG Future Land Use Development based on the location being adjacent to the edge (West Locust Street), the proposed scale and orientation as depicted on the "PDD" Final Development Plan and the rezoning conditions associated with Case REZ18-12; and
2. The final development plan would achieve consistency with the adopted "PDD" Land Use Plan.

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case No. FDP18-04 to the City Council with a recommendation for approval subject to the following condition:

1. That the City Council approves Case No. REZ18-12 by adopting the rezoning Ordinance and associated Land Use Plan.

Background:

Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: Residential General - RG Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.

The proposed use would comply with the Davenport 2035 future land use section based on the proposed design and conditions recommended by City Staff with REZ18-12.

Technical Review:

Streets.

The development is proposed to only have access to West Locust Street.

Storm Water.

Stormwater detention is depicted on the Final Development Plan. Storm sewer connection agreement to the private storm system located on property 2002 North Fairmount Street will be required. There is 6 inch private drain tile located on 2002 Fairmount Street from inlet on North Fairmount Street to 3730 West Locust Street. This shall be looked at being plugged/abandoned as part of this development. An easement for detention outlet will be required. Detention/storm sewer calculations will be reviewed during construction plan approval.

Sanitary Sewer.

No sanitary sewer is proposed with this development.

Other Utilities.

Other normal utility services are available.

Emergency Services.

The fire station at 1735 West Pleasant Avenue is located approximately 1.5 miles to the east. Davenport Fire Prevention will review the need for fire services during the construction plan approval.

Public Input:

No public hearing is required for a Final Development Plan

Discussion:

The Final Development Plan proposes:

14,425 square feet of self storage units;
14,865 of parking and access improvements;
2,290 of previous pavement; and
30,213 of detention and green space.

This Final Development Plan is being requested so it may be considered by the City Council at the same time as the rezoning to PDD - Planned Development District. This rezoning was subject to the following conditions:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

ATTACHMENTS:

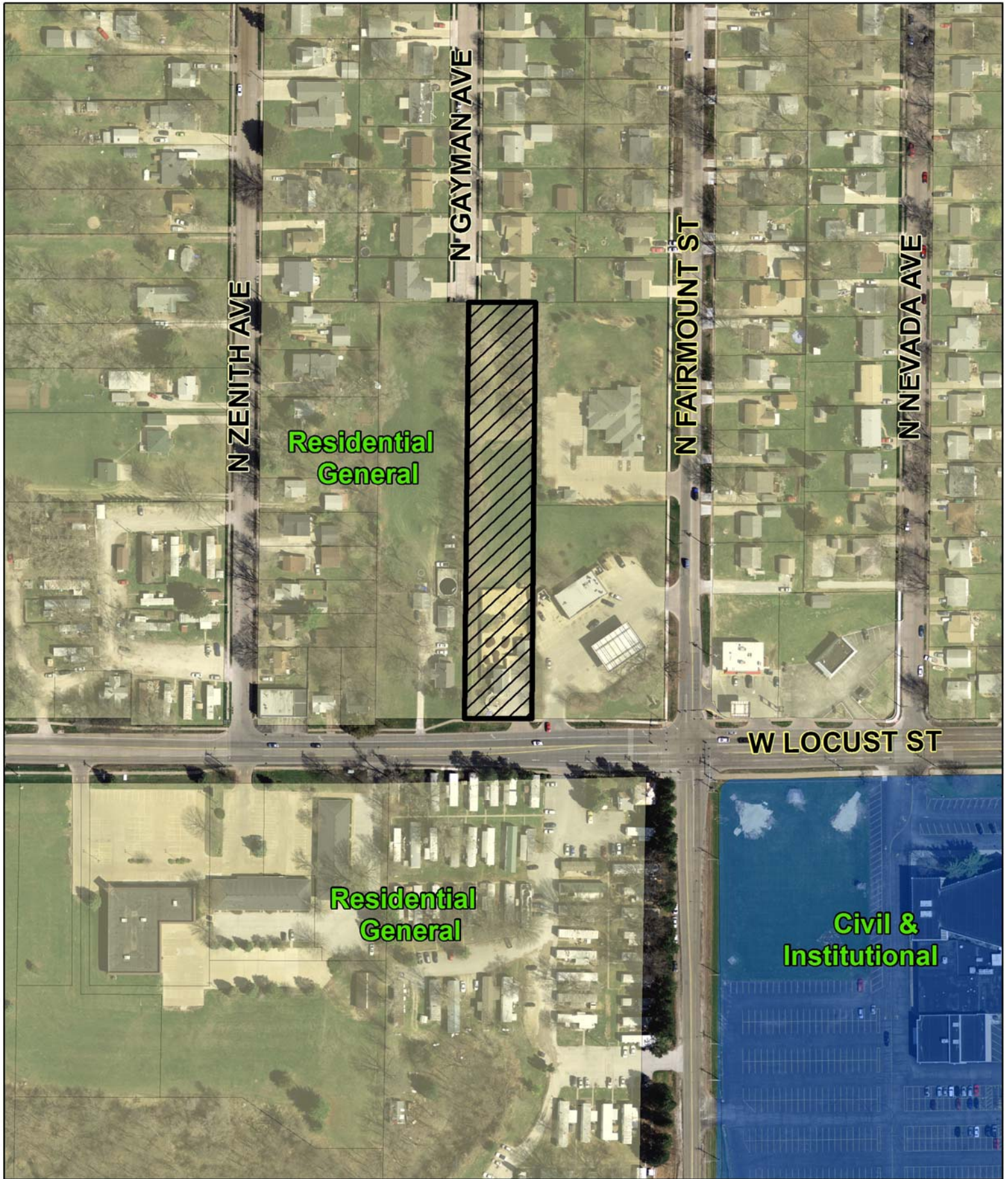
Type	Description
□ Backup Material	Zoning Map
□ Backup Material	Future Land Use Map
□ Backup Material	Final Development Plan
□ Backup Material	PDD Land Use Plan

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Rusnak, Ryan	Approved	9/13/2018 - 12:12 PM

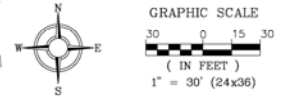
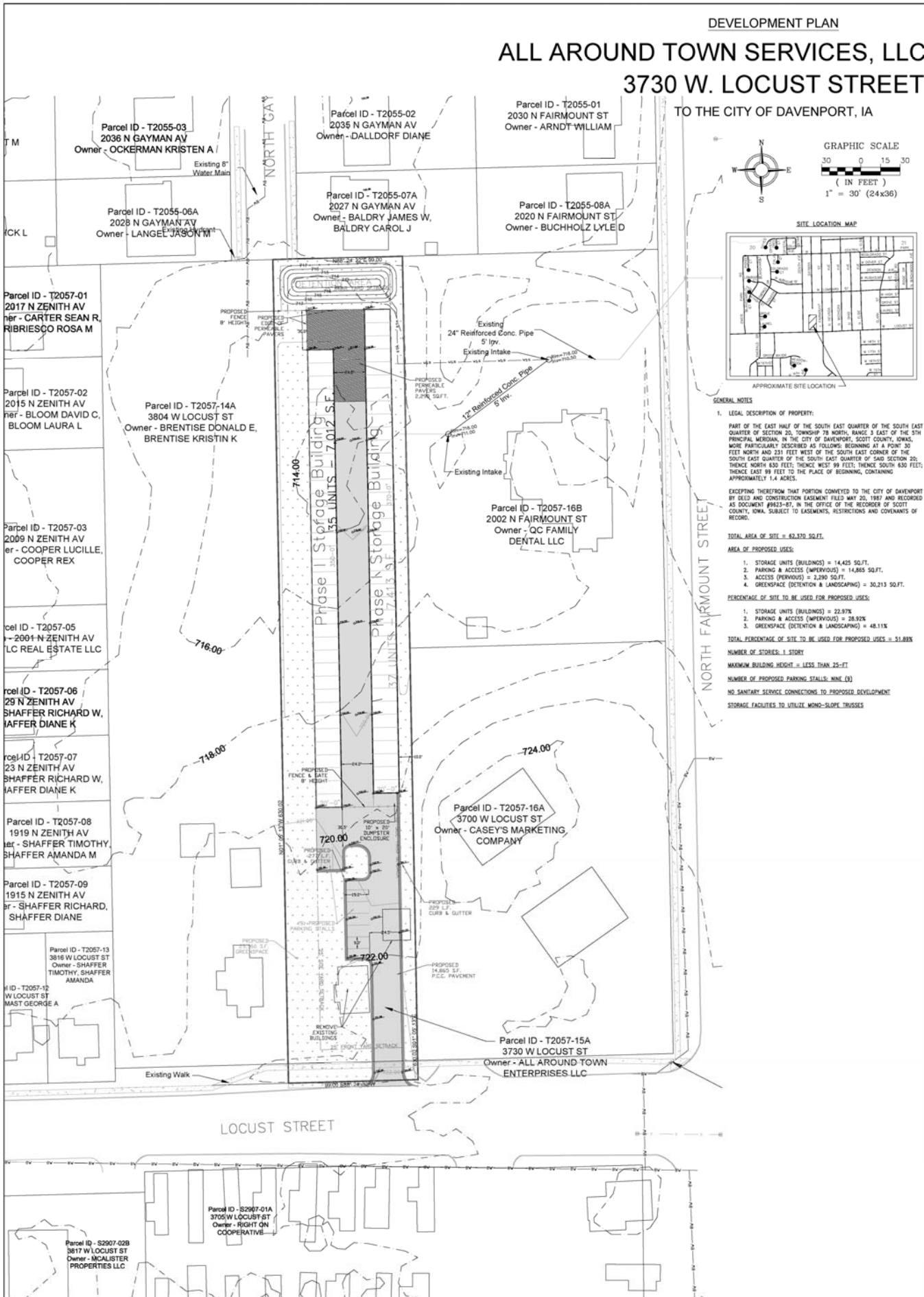




DEVELOPMENT PLAN

ALL AROUND TOWN SERVICES, LLC
3730 W. LOCUST STREET

TO THE CITY OF DAVENPORT, IA



GENERAL NOTES

1. LEGAL DESCRIPTION OF PROPERTY:

PART OF THE EAST HALF OF THE SOUTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 30 FEET NORTH AND 231 FEET WEST OF THE SOUTH EAST CORNER OF THE SOUTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SAID SECTION 20; THENCE NORTH 630 FEET; THENCE WEST 99 FEET; THENCE SOUTH 630 FEET; THENCE EAST 99 FEET TO THE PLACE OF BEGINNING, CONTAINING APPROXIMATELY 1.4 ACRES.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF DAVENPORT BY DEED AND CONSTRUCTION EASEMENT FILED MAY 20, 1987 AND RECORDED AS DOCUMENT #883-47, IN THE OFFICE OF THE RECORDER OF SCOTT COUNTY, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

TOTAL AREA OF SITE = 62,370 SQ.FT.

AREA OF PROPOSED USES:

1. STORAGE UNITS (BUILDINGS) = 14,425 SQ.FT.
2. PARKING & ACCESS (IMPERVIOUS) = 14,888 SQ.FT.
3. ACCESS (PERVIOUS) = 2,290 SQ.FT.
4. GREENSPACE (DETENTION & LANDSCAPING) = 30,213 SQ.FT.

PERCENTAGE OF SITE TO BE USED FOR PROPOSED USES:

1. STORAGE UNITS (BUILDINGS) = 22.97%
2. PARKING & ACCESS (IMPERVIOUS) = 28.92%
3. GREENSPACE (DETENTION & LANDSCAPING) = 48.11%

TOTAL PERCENTAGE OF SITE TO BE USED FOR PROPOSED USES = 51.89%

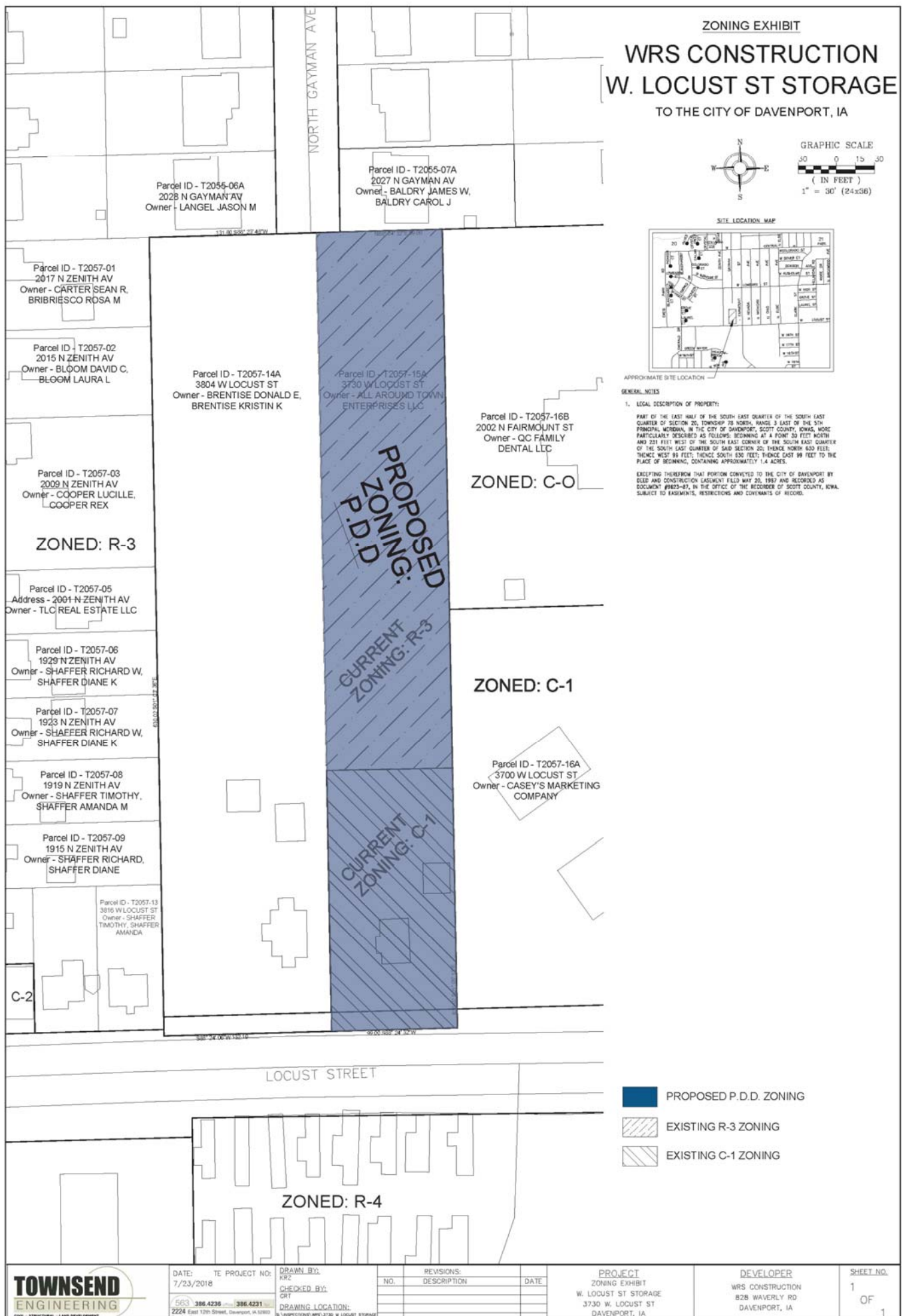
NUMBER OF STORIES: 1 STORY

MAXIMUM BUILDING HEIGHT = LESS THAN 25-FT

NUMBER OF PROPOSED PARKING STALLS: NINE (9)

NO SANITARY SERVICE CONNECTIONS TO PROPOSED DEVELOPMENT

STORAGE FACILITIES TO UTILIZE WIND-SLOPE TRUSSES





Property Address*

***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

Owner (if different from Applicant)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

Engineer (if applicable)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

Architect (if applicable)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

Attorney (if applicable)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

****If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

Application For Type:

Plan and Zoning Commission

Rezoning (Zoning Map Amendment)
 Subdivision
 Final Development Plan
 Right-of-way or Easement Vacation
 Voluntary Annexation
 Zoning Ordinance Text Amendment

Zoning Board of Adjustment

Hardship Variance
 Special Use Permit
 Special Use Permit - New Cell Tower
 Home Occupation Permit
 Special Exception
 Appeal from an Administrative Decision

Design Review Board

Certificate of Design Approval Demolition
 Request in the Downtown

Historic Preservation Commission

Certificate of Appropriateness
 Landmark Nomination
 Demolition Request

Request:

Final Development Plan for a Self Storage Development on the fore-mentioned property accompanied with the necessary parking and storm water structures.

Total Land Area: Acres

Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No

Submittal Requirements:

- The following items should be submitted to planning@ci.davenport.ia.us for review:
- Required fee:
 - Less than 1 acre - \$500.
 - One acre or more - \$1,000.
- A PDF, which depict the following:
 - Building pad locations with proposed building area, number of stories, overall height, a list of the proposed uses in the structure and their gross floor area.
 - Parking lot information including the extent of paving, the proposed circulation and parking layout and the number of cars to be parked.
 - The proposed landscaping and buffering to be developed in the project. The massing and density of plant and other screening materials shall be indicated. In areas where material issues have been identified in the rezoning public hearing process, or in meetings with the city plan and zoning commission, more detailed plans shall be provided.
 - The location of loading docks, receiving areas, trash pickup areas and other areas requiring screening.
 - The location and configuration of all access points with city streets and a pedestrian circulation plan.
 - A storm water management plan.
 - The location of all proposed free standing signage including circulation signs.
 - A grading plan showing final grades, the direction of storm water flow from roof drains and parking areas and the erosion control methods to be used during construction.
 - For projects involving subdivision, the approval of the development plan shall constitute the approval of a preliminary plat provided all provisions of Chapter 16.16 of the Municipal Code have been fulfilled.
 - Note: City staff may waive any of the required plan requirements if the scale of the project, topography of the site or other reasons make them unnecessary. Please specify which waivers are being sought.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:**(1) Application:**

- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public meetings.

(2) Plan and Zoning Commission's consideration of the final development plan:

- Applicant or Applicant Representative must be attend the public meeting.
- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(3) City Council's consideration of the final development plan:

- The Committee of the Whole (COW) will consider the request. Subsequently, the City Council will vote on the request.

Applicant: Shawn Agan 

Date: 09/10/2018

Do you acknowledge and agree to the aforementioned submittal requirements, formal procedure and understand that you must be present at scheduled meetings: Yes ☒

Received by: Ryan Rusnak

Date: 9/11/2018

Planning staff

Date of the Public Meeting: 10/2/2018

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

City of Davenport
Plan and Zoning Commission

Department: Community Planning and Economic Development
Department
Contact Info: Ryan Rusnak 563-888-2022
rrusnak@ci.davenport.ia.us

Date
10/2/2018

Subject:

Case ROW18-03: Request of the City of Davenport for the vacation (abandonment) of 711 square feet, more or less, of alley right-of-way located northeast of Ridgewood Avenue and northwest of Middle Road. [Ward 6]

This item has been withdrawn.

Recommendation:

There is no recommendation. The item has been withdrawn.

Background:

The City obtained a survey, which showed that the property owner at 2508 Middle Road has 10 feet of frontage on the alley. This is sufficient width for a driveway access.

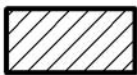
ATTACHMENTS:

Type	Description
▣ Backup Material	Aerial Map
▣ Backup Material	1910 Sanborn Map - Republished in 1950
▣ Backup Material	Google Streetview
▣ Backup Material	Public Engagement
▣ Backup Material	Survey

Staff Workflow Reviewers

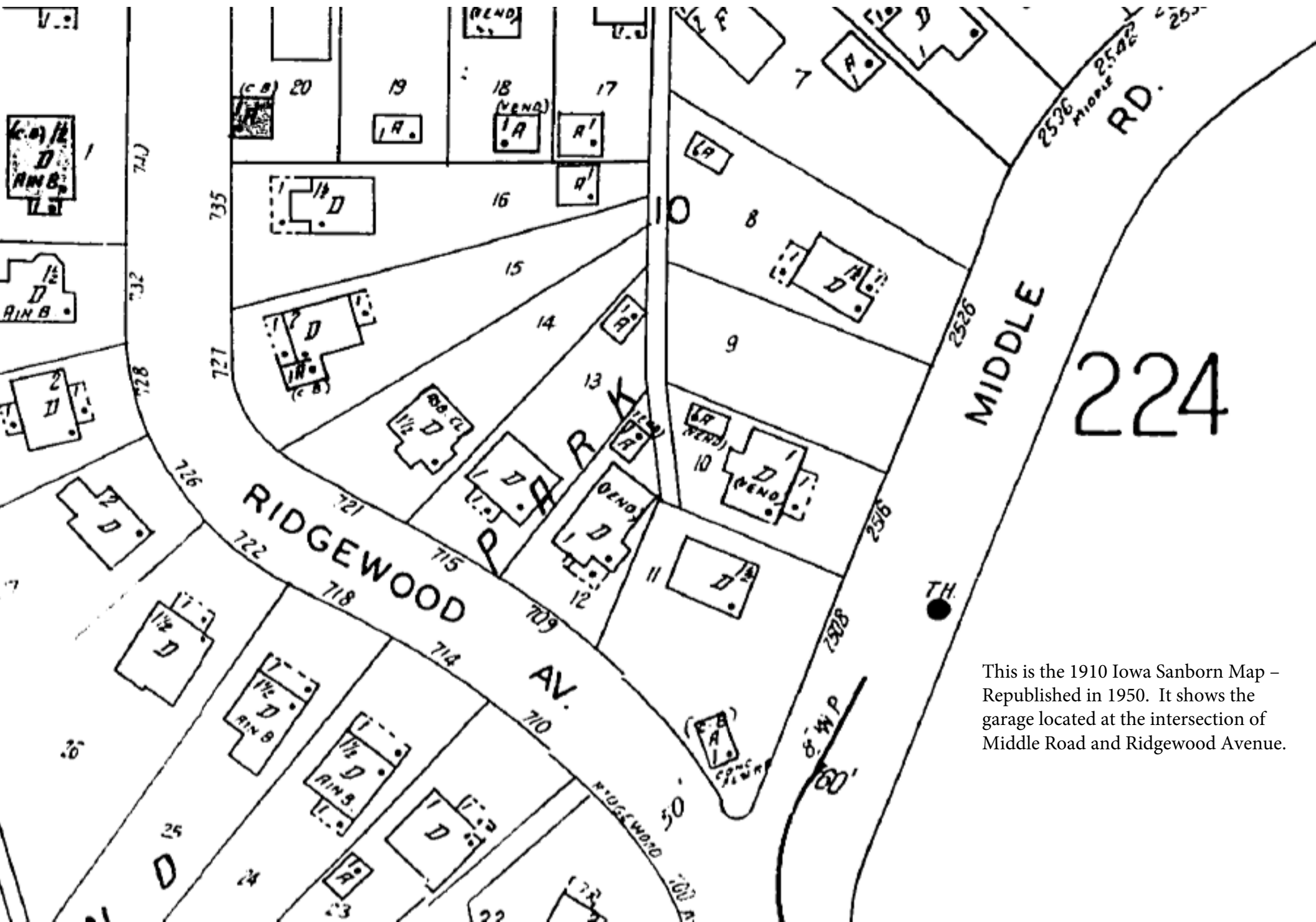
REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Rusnak, Ryan	Approved	8/30/2018 - 3:06 PM



Subject Property





This is the 1910 Iowa Sanborn Map –
Republished in 1950. It shows the
garage located at the intersection of
Middle Road and Ridgewood Avenue.



Rusnak, Ryan

From: Alex <bockalexr@gmail.com>
Sent: Wednesday, September 12, 2018 11:10 AM
To: Schnauber, Eric; Clewell, Rich; Oswald, Richard; Rusnak, Ryan; Warner, Tom
Cc: Mike; Molly Bonderer
Subject: Re: 2508 Middle Rd alley

Eric,

Please advise when we can expect more information about the permits (or lack thereof) pulled for 709 Ridgewood and 2516 Middle Rd's curb cuts and cement pad and curb poured in the alley. If I need to reach out to someone else about this, please advise who that is.

Regards,

Alex Bock

On Mon, Sep 10, 2018 at 4:05 PM Alex <bockalexr@gmail.com> wrote:

To whom it may concern:

Mike Meloy of Meloy law offices will be representing me in this matter from here on out. Please contact him with any correspondence. He will also be pursuing suit against the city in the event the alley is conveyed to 709 Ridgewood and 2516 Middle Rd as this will illegally prevent any ADA compliant access to my property. Furthermore, a complaint is being launched against the city by the ADA association. Demand is made that my attorney and I receive the necessary permits for the curb cuts and parking pads for the aforementioned addresses. In the event these permits do not exist, please advise what the next steps will be to rectify this. Demand is also made that, in the event the alley is conveyed, my property also be conveyed alley space as it is served by the alley as well.

Regards,
Alex Bock

--

Regards,

Alex Bock
563-293-1460

--

Regards,

Alex Bock
563-293-1460

Rusnak, Ryan

From: Rusnak, Ryan
Sent: Monday, September 10, 2018 2:31 PM
To: 'Rex J. Ridenour'
Subject: RE: Case # ROW18-03

Hi Rex,

We have ordered a survey. I am not sure if it will be done by next Tuesday. If not, I plan to request a tabling.

I was brought into this situation a little later than others. Do you want me to forward emails that I have?

Ryan Rusnak, AICP
Planner III
City of Davenport
Community Planning and
Economic Development Department
226 West 4th Street
Davenport, Iowa 52801
(563) 888-2022

E Plan is now live. Click [here](#) for more information.



Click for [more](#) information about the Zoning Ordinance Rewrite. **Spread the Word.**

From: Rex J. Ridenour [mailto:rridenour@drmlawfirmnpc.com]
Sent: Friday, September 07, 2018 5:29 PM
To: Rusnak, Ryan
Subject: RE: Case # ROW18-03

Ryan: Does the City plan to survey or mark in any way that part of the alley it desires to vacate? Also what can you provide me as to copies of communications relating to this matter without me going through the FOIA process? I'm trying to get an understanding as to just what has gone on. Obviously Alex has ticked some folks off. Thanks,

Rex J. Ridenour
REX J. RIDENOUR ATTORNEY AT LAW, PLLC
201 W. Second Street, Suite 400
Davenport, IA 52801-1524
Telephone: (563) 324-1971
Facsimile: (563) 324-1974
Email: rridenour@drmlawfirmnpc.com

NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521 is confidential and may contain attorney-client materials and/or attorney work product, be legally privileged and protected from disclosure. This communication is intended only for the individual(s) or entity(ies) named above. If you are not an intended recipient, do not read, copy, use or disclose the communication to others all of which are strictly prohibited. Please call us immediately at 563-324-1971 and ask to speak to the sender or reply to this message that you have received it in error and then delete it and any copies from your system and shred any printed copies. Thank You

From: Rusnak, Ryan [mailto:rrusnak@ci.davenport.ia.us]
Sent: Tuesday, September 04, 2018 9:56 AM
To: Rex J. Ridenour
Cc: Alex . (bockalex@gmail.com)
Subject: RE: Case # ROW18-03

Mr. Ridenour,

Your email and Mr. Bock's email has been forwarded to the Plan and Zoning Commission.

I do not plan on asking the Commission to table the request. Certainly, the Plan and Zoning Commission could vote to table nevertheless.

The Plan and Zoning Commission will have another public meeting to vote to recommend on 9/18/2018. The public is afforded an opportunity to speak at that meeting. Subsequently, there will be up to six opportunities to speak at City Council.

Ryan Rusnak, AICP
Planner III
City of Davenport
Community Planning and
Economic Development Department
226 West 4th Street
Davenport, Iowa 52801
(563) 888-2022

E Plan is now live. Click [here](#) for more information.



Click for [more](#) information about the Zoning Ordinance Rewrite. **Spread the Word.**

From: Rex J. Ridenour [mailto:rridenour@drmlawfirmmpc.com]
Sent: Sunday, September 02, 2018 5:07 PM
To: Rusnak, Ryan
Cc: Alex . (bockalex@gmail.com)
Subject: RE: Case # ROW18-03

I understand the City is the petitioner here and as such can request the public hearing be tabled/rescheduled. We request it be rescheduled to your next meeting 9/18. Although you may have met your minimum notice requirements I did not learn of the City's intention concerning the alley which abuts and serves Mr. Bock's property until checking my email after leaving for the extended holiday weekend and even later of the scheduled public hearing. I left town over the holiday and am not available until late Tuesday. As he advised Mr. Bock is leaving early Tuesday until the 16th. As you observed this matter has been pending for some time. A 2 week delay does not appear to prejudice anyone. If the public hearing will not be rescheduled please advise why not. Thanks, Rex R.

Rex J. Ridenour

REX J. RIDENOUR ATTORNEY AT LAW, PLLC

201 W. Second Street, Suite 400

Davenport, IA 52801-1524

Telephone: (563) 324-1971

Facsimile: (563) 324-1974

Email: rridenour@drmlawfirmnpc.com

NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521 is confidential and may contain attorney-client materials and/or attorney work product, be legally privileged and protected from disclosure. This communication is intended only for the individual(s) or entity(ies) named above. If you are not an intended recipient, do not read, copy, use or disclose the communication to others all of which are strictly prohibited. Please call us immediately at 563-324-1971 and ask to speak to the sender or reply to this message that you have received it in error and then delete it and any copies from your system and shred any printed copies. Thank You

From: Alex [mailto:bockalex@gmail.com]

Sent: Saturday, September 01, 2018 2:15 PM

To: rrusnak@ci.davenport.ia.us

Cc: Rex J. Ridenour

Subject: Case # ROW18-03

Mr. Rusnak,

This email is in response to case #ROW18-03. Attached to this email is my attorney, Mr. Rex Ridenour. Today, I opened a letter received in the mail yesterday (August 31st, 2018). The exhibit is attached to this email. It was conveyed to my attorney yesterday upon receipt of another letter from Richard Oswald of public works neighborhood services department (exhibit also attached); that I will be leaving town early morning on 9/4/2018, and will not be returning until 9/16/2018. As you may have guessed, this makes for extremely bad timing for me. I have informed Mr. Oswald of my full opposition to this proposal. I am now reaching out to you to do the same and request an accommodation. This is the second instance of the city of Davenport planning important meetings last minute and giving me, what is in my opinion; insufficient notice. With the first "Public hearing" being scheduled on the 4th of September at 5PM, this is less than 8 business hours' notice with the holiday weekend. My attorney will be back in his office Tuesday, Sep 4th. Mr. Ridenour has informed me that he will be busy in court for most of his morning.

For him, this means he has less than 4 hours to prepare. I also notice in order to submit an "official comment" this must be done by 12:00PM ONE DAY BEFORE the public hearing.

Will there be anyone staffing the city admin offices at this time being as that is Labor day? If not, I believe this proves a soon-to-be brought point of poor (or maliciously intentional) planning on the city's behalf. I will direct any further communication between the city and myself in the matter to my attorney, Mr. Rex Ridenour. Please contact him as soon as possible.

Respectfully,

Alex Bock
2508 Middle Rd
Davenport, IA 52803

Reply to:

Rex J. Ridenour
Attorney at law, PLLC
201 W Second St
STE# 400
Davenport, IA 52801
563-324-1971

Rusnak, Ryan

From: Rex J. Ridenour <rredenour@drmlawfirmmpc.com>
Sent: Sunday, September 02, 2018 5:07 PM
To: Rusnak, Ryan
Cc: Alex . (bockalex@gmail.com)
Subject: RE: Case # ROW18-03

I understand the City is the petitioner here and as such can request the public hearing be tabled/rescheduled. We request it be rescheduled to your next meeting 9/18. Although you may have met your minimum notice requirements I did not learn of the City's intention concerning the alley which abuts and serves Mr. Bock's property until checking my email after leaving for the extended holiday weekend and even later of the scheduled public hearing. I left town over the holiday and am not available until late Tuesday. As he advised Mr. Bock is leaving early Tuesday until the 16th. As you observed this matter has been pending for some time. A 2 week delay does not appear to prejudice anyone. If the public hearing will not be rescheduled please advise why not. Thanks, Rex R.

Rex J. Ridenour
REX J. RIDENOUR ATTORNEY AT LAW, PLLC
201 W. Second Street, Suite 400
Davenport, IA 52801-1524
Telephone: (563) 324-1971
Facsimile: (563) 324-1974
Email: rredenour@drmlawfirmmpc.com

NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521 is confidential and may contain attorney-client materials and/or attorney work product, be legally privileged and protected from disclosure. This communication is intended only for the individual(s) or entity(ies) named above. If you are not an intended recipient, do not read, copy, use or disclose the communication to others all of which are strictly prohibited. Please call us immediately at 563-324-1971 and ask to speak to the sender or reply to this message that you have received it in error and then delete it and any copies from your system and shred any printed copies. Thank You

From: Alex [<mailto:bockalex@gmail.com>]
Sent: Saturday, September 01, 2018 2:15 PM
To: rrusnak@ci.davenport.ia.us
Cc: Rex J. Ridenour
Subject: Case # ROW18-03

Mr. Rusnak,

This email is in response to case #ROW18-03. Attached to this email is my attorney, Mr. Rex Ridenour. Today, I opened a letter received in the mail yesterday (August 31st, 2018). The exhibit is attached to this email. It was conveyed to my attorney yesterday upon receipt of another letter from Richard Oswald of public works neighborhood services department (exhibit also attached); that I will be leaving town early morning on 9/4/2018, and will not be returning until 9/16/2018. As you may have guessed, this makes for extremely bad timing for me. I have informed Mr. Oswald of my full opposition to this proposal. I am now reaching out to you to do the same and request an accommodation. This is the second instance of the city of Davenport planning important meetings last minute and giving me, what is in my opinion; insufficient notice. With the first "Public hearing" being scheduled on the 4th of September at 5PM, this is less than 8 business hours' notice with the holiday weekend. My attorney will be back in his office Tuesday, Sep 4th. Mr. Ridenour has informed me that he will be busy in court for most of his morning.

For him, this means he has less than 4 hours to prepare. I also notice in order to submit an "official comment" this must be done by 12:00PM ONE DAY BEFORE the public hearing.

Will there be anyone staffing the city admin offices at this time being as that is Labor day? If not, I believe this proves a soon-to-be brought point of poor (or maliciously intentional) planning on the city's behalf. I will direct any further communication between the city and myself in the matter to my attorney, Mr. Rex Ridenour. Please contact him as soon as possible.

Respectfully,

Alex Bock
2508 Middle Rd
Davenport, IA 52803

Reply to:

Rex J. Ridenour
Attorney at law, PLLC
201 W Second St
STE# 400
Davenport, IA 52801
563-324-1971

Rusnak, Ryan

From: Alex <bockalex@gmail.com>
Sent: Saturday, September 01, 2018 2:15 PM
To: Rusnak, Ryan
Cc: Rex J. Ridenour
Subject: Case # ROW18-03
Attachments: DPW Alley vacation.pdf; Alley zoning.pdf

Mr. Rusnak,

This email is in response to case #ROW18-03. Attached to this email is my attorney, Mr. Rex Ridenour. Today, I opened a letter received in the mail yesterday (August 31st, 2018). The exhibit is attached to this email. It was conveyed to my attorney yesterday upon receipt of another letter from Richard Oswald of public works neighborhood services department (exhibit also attached); that I will be leaving town early morning on 9/4/2018, and will not be returning until 9/16/2018. As you may have guessed, this makes for extremely bad timing for me. I have informed Mr. Oswald of my full opposition to this proposal. I am now reaching out to you to do the same and request an accommodation. This is the second instance of the city of Davenport planning important meetings last minute and giving me, what is in my opinion; insufficient notice. With the first "Public hearing" being scheduled on the 4th of September at 5PM, this is less than 8 business hours' notice with the holiday weekend. My attorney will be back in his office Tuesday, Sep 4th. Mr. Ridenour has informed me that he will be busy in court for most of his morning.

For him, this means he has less than 4 hours to prepare. I also notice in order to submit an "official comment" this must be done by 12:00PM ONE DAY BEFORE the public hearing.

Will there be anyone staffing the city admin offices at this time being as that is Labor day? If not, I believe this proves a soon-to-be brought point of poor (or maliciously intentional) planning on the city's behalf. I will direct any further communication between the city and myself in the matter to my attorney, Mr. Rex Ridenour. Please contact him as soon as possible.

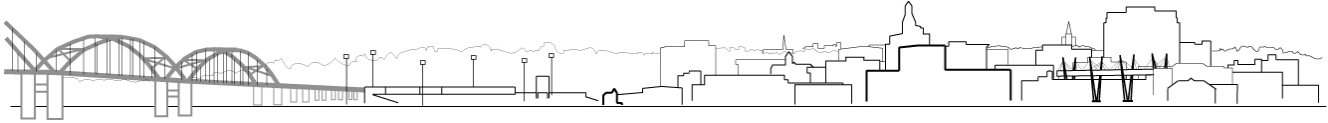
Respectfully,

Alex Bock
2508 Middle Rd
Davenport, IA 52803

Reply to:

Rex J. Ridenour
Attorney at law, PLLC
201 W Second St
STE# 400
Davenport, IA 52801
563-324-1971

**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 9/4/2018 Ward: **6th**
Time: 5:00 PM
Location: 711 square feet, more or less, of alley right-of-way located northeast of Ridgewood Avenue and northwest of Middle Road (see map on reverse side).
Subject: Public hearing to partially vacate (abandon) right-of-way before the Plan and Zoning Commission.
Case #: ROW18-03

To: All property owners within 200 feet of the subject property.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a partial vacation (abandon) right-of-way. The purpose of the request is to abandon the right-of-way so that it may be conveyed to the adjacent land owners.

Request Description:

ROW18-03: Request of the City of Davenport for the vacation (abandonment) of 711 square feet, more or less, of alley right-of-way located northeast of Ridgewood Avenue and northwest of Middle Road. [Ward 6]

What are the Next Steps after the Public Hearing?

The 9/4/2018 public hearing is the first step in the review/approval process. The Plan and Zoning will meet on 9/18/2018 to vote (provide its recommendation) on the request. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

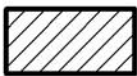
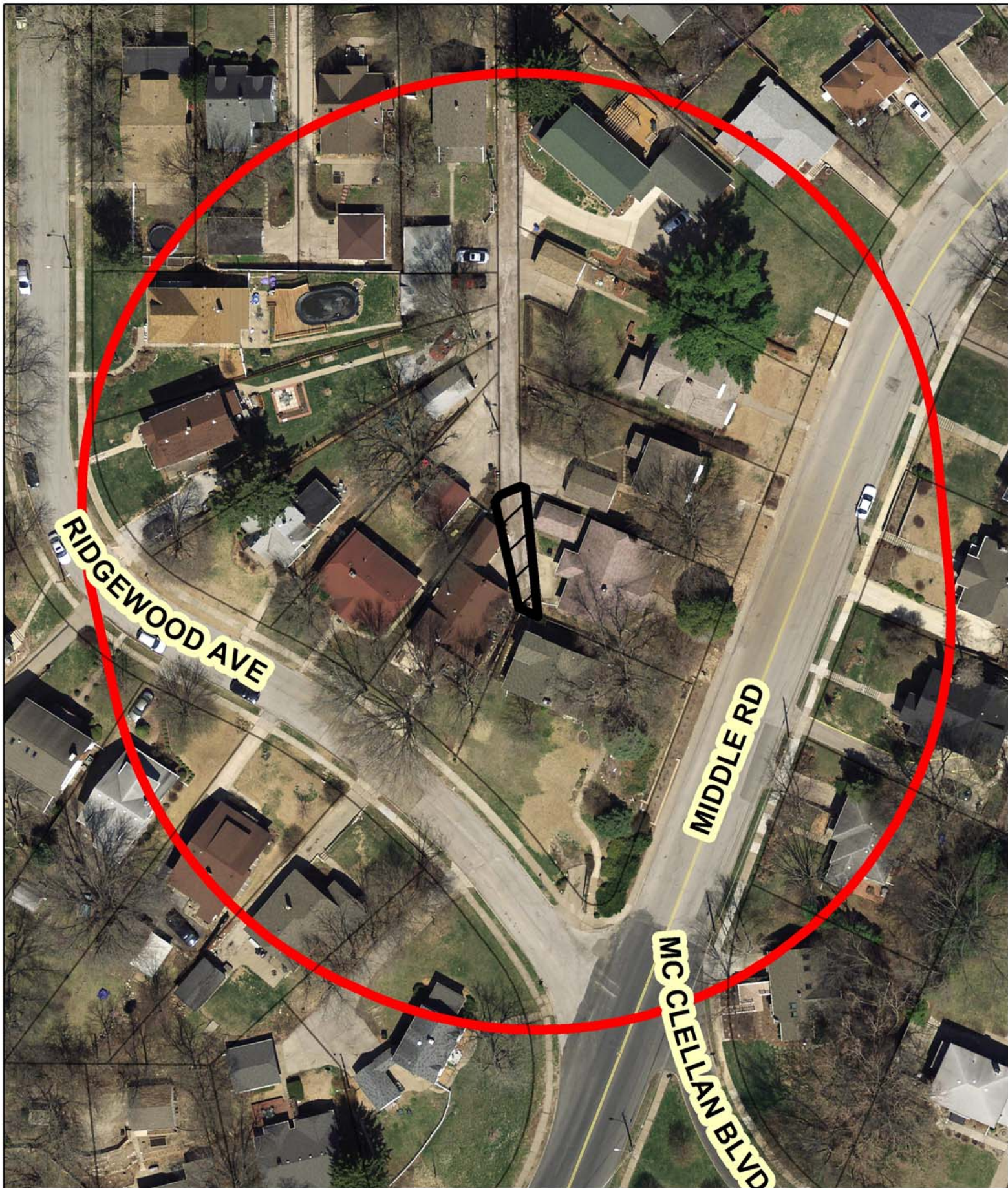
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Ryan Rusnak, AICP, the case planner assigned to this project at rusnak@ci.davenport.ia.us or 563-888-2022.

Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.



Subject Property



200 Foot Notification Radius

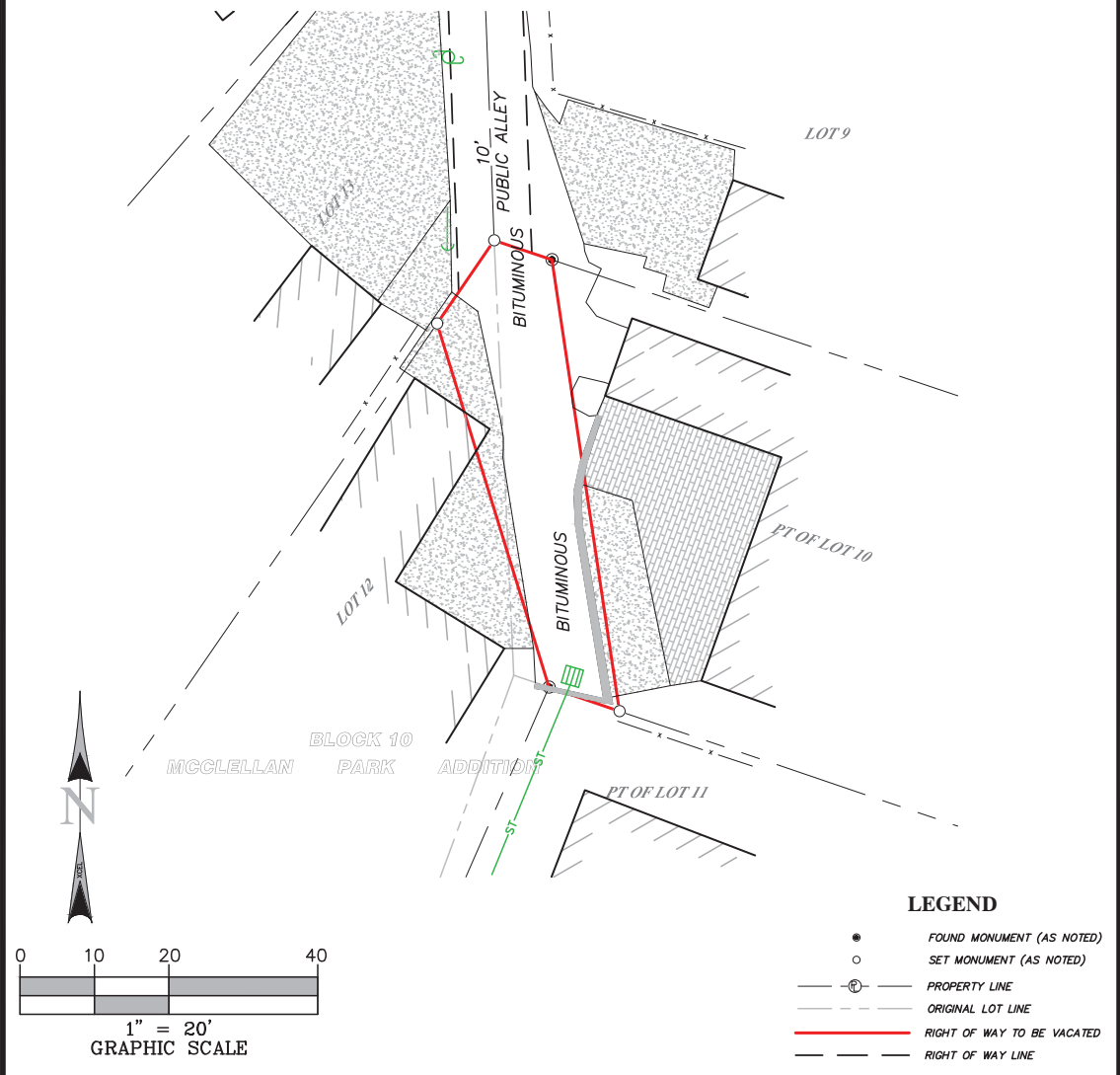
N



FID	Parcel	Address	Occupancy	Deed1_Name	Deed1_Addr	Deed1_CSZ
	1 E0011-15	2529 MIDDLE RD	Single-Family	MICHAEL D RICHARDS		
				TRACY RICHARDS	2529 MIDDLE RD	DAVENPORT IA 52803
	2 E0011-16	2523 MIDDLE RD	Single-Family	ROBERT W KEPHART		
				LEAH KEPHART	2523 MIDDLE RD	DAVENPORT IA 52803-3639
	3 E0011-17	2515 MIDDLE RD	Single-Family	MICHAEL P SIRNA		
				AND WIFE	2515 MIDDLE RD	DAVENPORT IA 52803
	4 E0011-18	2505 MIDDLE RD	Single-Family	CAROL WEST		
				SUSAN WEST	2505 MIDDLE RD	DAVENPORT IA 52803
	5 E0011-19	2501 MIDDLE RD	Single-Family	ANDREA OLSON		
				TIMOTHY OLSON	2501 MIDDLE RD	DAVENPORT IA 52803
	6 E0011-21	2508 MIDDLE RD	Single-Family	ALEX BOCK	2508 MIDDLE RD	DAVENPORT IA 52803-3640
	7 E0011-22	2516 MIDDLE RD	Single-Family	SAMUEL FROELICH		
				CATHERINE FROELICH	2516 MIDDLE RD	DAVENPORT IA 52803-3640
	8 E0011-23	2522 MIDDLE RD	Single-Family	SHANE SOBOROFF		
				HOLLY SOBOROFF	2522 MIDDLE RD	DAVENPORT IA 52803-3640
	9 E0011-25	2536 MIDDLE RD	Single-Family	NATHAN MURRAY		
				MICHELLE MURRAY	2536 MIDDLE RD	DAVENPORT IA 52803
	10 E0011-32	2521 EAST ST	Single-Family	TEREASA LASSMANN	2521 EAST ST	DAVENPORT IA 52803
	11 E0012-18	2513 EAST ST	Single-Family	KAREN ULLESTAD	2513 EAST ST	DAVENPORT IA 52803
				PHILIP KASSEL		
	12 E0012-19	2509 EAST ST	Single-Family	SURINDER KOCHER	2509 EAST ST	DAVENPORT IA 52803-3420
	13 E0012-20	2505 EAST ST	Single-Family	KAITLYN HARDT	2505 EAST ST	DAVENPORT IA 52803
				JAMES S GADZIK & JANE M GADZIK		
	14 E0012-21	2501 EAST ST	Single-Family	REVOCABLE TRUST	107 VALLEY HEIGHTS RD	BLUE GRASS IA 52726-9644
				THOMAS CINADR		
	15 E0012-22	735 RIDGEWOOD AV	Single-Family	KARLA CINADR	735 RIDGEWOOD AV	DAVENPORT IA 52803
				LAWRENCE LENTZ		
	16 E0012-23	727 RIDGEWOOD AV	Single-Family	NICOLE LENTZ	727 RIDGEWOOD AV	DAVENPORT IA 52803
				BENJAMIN MEYER KIEFFER		
	17 E0012-24	721 RIDGEWOOD AV	Single-Family	LINDSAY NICOLE KIEFFER	721 RIDGEWOOD AV	DAVENPORT IA 52803
	18 E0012-25	715 RIDGEWOOD AV	Single-Family	KATHY CARLSON	715 RIDGEWOOD AV	DAVENPORT IA 52803-3741
				CHRISTOPHER CACARI		
	19 E0012-26	709 RIDGEWOOD AV	Single-Family	MARYANNE CACARI	709 RIDGEWOOD AV	DAVENPORT IA 52803
	20 E0012-27	710 RIDGEWOOD AV	Single-Family	TAMI WEGENER	710 RIDGEWOOD AV	DAVENPORT IA 52803
				BRAD WANZELL		
	21 E0012-28	714 RIDGEWOOD AV	Single-Family	RUTH WANZEL	714 RIDGEWOOD AVE	DAVENPORT IA 52803-3742
	22 E0012-29	718 RIDGEWOOD AV	Single-Family	ELIZABETH SCHWAB	718 RIDGEWOOD AVE	DAVENPORT IA 52803
				PATRICK OLEARY		
	23 E0012-30	722 RIDGEWOOD AV	Single-Family	MARY OLEARY	722 RIDGEWOOD AV	DAVENPORT IA 52803
	24 E0021-45	2460 MIDDLE RD	Single-Family	MICHAEL HORRAS	2460 MIDDLE RD	DAVENPORT IA 52803-3739
				LINDA KATHLENE COHEN-BROOKHART		
	25 E0011-33A	2517 EAST ST	Single-Family	ERIC BROOKHART	2517 EAST ST	DAVENPORT IA 52803
	26 E0011-24A	2526 MIDDLE RD	Six-Family Conversion	RICHARD BENSON	2526 MIDDLE RD	DAVENPORT IA 52803

XCEL CONSULTANTS: 8300 42ND STREET, ROCK ISLAND, IL 61201 – 309-787-9988
XCEL PROJECT #: 181768

EXHIBIT



City of Davenport
Plan and Zoning Commission

Department: Community Planning and Economic Development
Department
Contact Info: Ryan Rusnak 563-888-2022
rrusnak@ci.davenport.ia.us

Date
10/2/2018

Subject:

Case F18-12: Request of Joseph Stuhr for a for a Final Plat for a 2 lot subdivision located west of Waverly Road and south of West 15th Street Court. [Ward 1].

Recommendation:

Findings:

1. The plat conforms to the Davenport 2035 Future Land Use Map; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case F18-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That the surveyor signs the plat;
2. That the utility companies sign the plat when their easement needs have been met;
3. That the designation Gayman Avenue be removed from the plat; and
4. That the following note be added to the plat: Sidewalks shall be constructed within the right-of-way of all public streets.

Background:

Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: Residential General - RG Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.

The proposed use would comply with the Davenport 2035 future land use section.

Technical Review:

Streets.

The development is proposed to only have access to West 15th Street Court.

Storm Water.

Development of the property will need to comply with the City's stormwater requirements.

Sanitary Sewer.

No sanitary sewer is located within the West 15th Street Court right-of-way.

Other Utilities.

Other normal utility services are available.

Public Input:

No public hearing is required for a Final Plat.

Discussion:

This plat is to allow the subdivision of a larger lot into two lots.

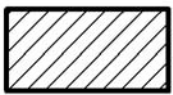
ATTACHMENTS:

Type	Description
▢ Backup Material	Zoning Map
▢ Backup Material	Future Land Use Map
▢ Backup Material	Final Plat
▢ Backup Material	Application

Staff Workflow Reviewers

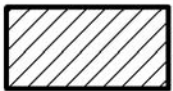
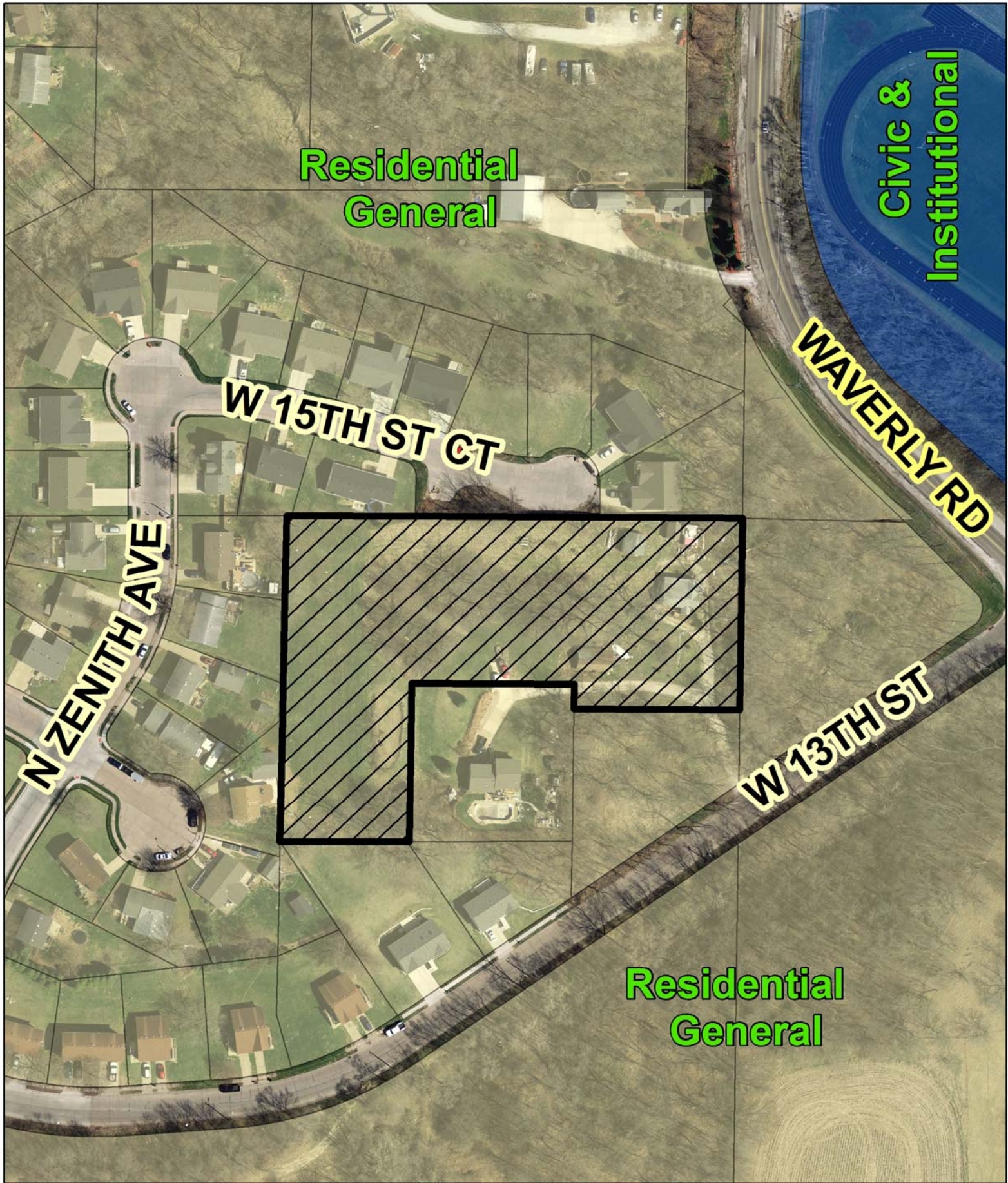
REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Rusnak, Ryan	Approved	9/13/2018 - 12:59 PM



Subject Property





Subject Property







FINAL PLAT OF
STUHR FIRST ADDITION
TO THE CITY OF DAVENPORT, IOWA

BEING PART OF THE NORTHEAST QUARTER OF SECTION 29
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5th P.M.
AND IN PART BEING A REPLAT OF LOT 14 OF
MEADOWBROOK TENTH ADDITION TO THE CITY OF DAVENPORT, IOWA

LOT AREAS			
NO.	SQUARE FEET	NO.	ACRES
1	54,570	1	1.25
2	54,880	2	1.26

GENERAL NOTES

- IRON MONUMENTS FOUND SHOWN  [1/2" IRON PIN W/ CAP NO. 10135]
IRON MONUMENTS FOUND SHOWN  [1" IRON PIPE]
IRON MONUMENTS FOUND SHOWN THUS  [1/2" IRON PIN]
IRON MONUMENTS SET SHOWN THUS  [5/8" IRON PIN CAP NO. 7222]

ALL DISTANCES SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.

SUBDIVISION CONTAINS 2.51 ACRES, MORE OR LESS.

BLANKET UNDERGROUND AND OVERHEAD EASEMENTS GRANTED WITHIN THE MINIMUM WIDTH OF SIDE YARD PROVISIONS OF CHAPTER 17.42 OF THE ZONING ORDINANCE OF THE CITY OF DAVENPORT, IOWA, ALONG THE SIDE LOT LINES OF EACH LOT HEREIN FOR ALL PRIMARY AND SECONDARY ELECTRIC CABLES, PAD MOUNTED TRANSFORMERS, ELECTRIC TRANSFORMERS, PRIMARY CABLE, GAS SERVICE, WATER SERVICE, SEWER LATERALS, TELEPHONE SERVICE, CABLE T.V. AND STREET LIGHTS.

ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST CITY OF DAVENPORT STANDARD SPECIFICATIONS.

SUBDIVISION IS ZONED R-4 (MODERATE DENSITY DWELLING DISTRICT).

BEARINGS SHOWN ARE BASED ON THE IOWA STATE PLANE COORDINATE SOUTH ZONE, NAD 83 (2011).

OWNER

DEVELOPER

GREGORY D. FRITZ

JOSEPH STUHR

1516 WAVERLY ROAD

3825 WEST 15th STREET CTR

DAVENPORT, IOWA 52804

DAVENPORT, IOWA 52804

CURVE NUMBER	RADIUS	DELTA	ARC	CHORD	CHORD BEARING	TANGENT
1	15.00'	74°-22'-20"	19.48'	18.14'	S.38°-33'-25"E.	11.39'

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Signature: _____
David L. Meyer, P.E. & L.S., License Number 7002
Date: **SEPTEMBER 06, 2018**
My license renewal date is December 31, 2018

THIS SHORT ONLY
Pages or sheets covered by this seal:



PREPARED BY

VERBEKE - MEYER
CONSULTING ENGINEERS, P.C.

4111 EAST 60th STREET
DAVENPORT, IOWA 52807
PHONE NUMBER: (563) 359 - 1348

VMCE 18210

CENTURYLINK

MIDAMERICAN ENERGY COMPANY

IOWA-AMERICAN WATER CO.

MEDIACOM

PLAN & ZONE COMMISSION

CITY OF DAVENPORT, IOWA

BY _____

BY _____

BY _____

BY _____

BY _____

BY _____

DATE _____

DATE _____

DATE _____

DATE _____

DATE _____

DATE _____

APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY
MIDAMERICAN ENERGY COMPANY

City of Davenport
Plan and Zoning Commission

Department: Community Planning and Economic Development
Department
Contact Info: Ryan Rusnak 563-888-2022
rrusnak@ci.davenport.ia.us

Date
9/18/2018

Subject:

Case F-13: Request of Christine Hall Shields Trust for a for a Final Plat for a 2 lot subdivision located west of Jersey Ridge Road approximately .3 miles north of East Kimberly Road [Ward 6].

Recommendation:

Findings:

1. The plat conforms to the Davenport 2035 Future Land Use Map; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case F18-13 to the City Council with a recommendation for approval subject to the following conditions:

1. That the surveyor signs the plat;
2. That the utility companies sign the plat when their easement needs have been met;
3. That the plat be tied to two quarter corners or two previously established lot corners;
4. That the existing right-of-way width of Jersey Ridge Road be shown on the plat;
5. That Note 1 on the plat be changed from acres to square feet; and
6. That a hold harmless instrument be provided, if none exists or is unsatisfactory to the City, regarding the City's ability to access the private drive.

Background:

Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: Residential General - RG Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc generally oriented along Urban Corridors (UC).

Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.

The proposed use would comply with the Davenport 2035 future land use section.

Technical Review:

Streets.

The development is proposed to have access via a private drive to Jersey Road Road.

Storm Water.

Development of the property will need to comply with the City's stormwater requirements.

Sanitary Sewer.

The sanitary sewer service is private.

Other Utilities.

Other normal utility services are available.

Public Input:

No public hearing is required for a Final Plat.

Discussion:

This plat is to allow the subdivision of a larger lot into two lots.

ATTACHMENTS:

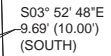
Type	Description
▢ Backup Material	Final Plat
▢ Backup Material	Zoning Map
▢ Backup Material	Land Use Plan

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Rusnak, Ryan	Approved	9/18/2018 - 9:49 AM

BEING A REPLAT OF LOT 3 OF SHAFER FARMS SECOND
ADDITION IN PART OF THE NORTHWEST QUARTER OF
SECTION 18, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE
5th PRINCIPAL MERIDIAN TO THE CITY OF DAVENPORT,
SCOTT COUNTY, IOWA



1. Area of Subdivision:
Total: 98,735 Acres +/-
2. Engineer:
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4226
3. Surveyor:
Michael D. Richmond
2224 East 12th Street
Davenport, Iowa 52801
Ph: (563) 286-4236
4. Attorney:
Richard A. Davidson
Lane and Waterman
220 N. Main St. Suite 600
Davenport, Iowa 52801
Ph: (563) 333-6624

APPROVED BY:
CITY OF DAVENPORT, IOWA

BY: _____

DATE: _____ ATTEST: _____

CITY PLAN & ZONE COMMISSION

BY: _____ DATE: _____

MEDIACOM _____ DATE: _____

IOWA - AMERICAN WATER COMPANY _____ DATE: _____

CENTURY LINK _____ DATE: _____

MIDAMERICAN ENERGY _____ DATE: _____

APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY MIDAMERICAN ENERGY

NOTES:

SIDEWALKS SHALL BE CONSTRUCTED ALONG STREET RIGHT OF WAYS WHEN SO ORDERED BY THE CITY.

DIMENSIONS ALONG CURVES ARE ARC DISTANCES.

MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

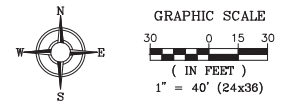
ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.

THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL.

BLANKET UNDERGROUND EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE TV SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.

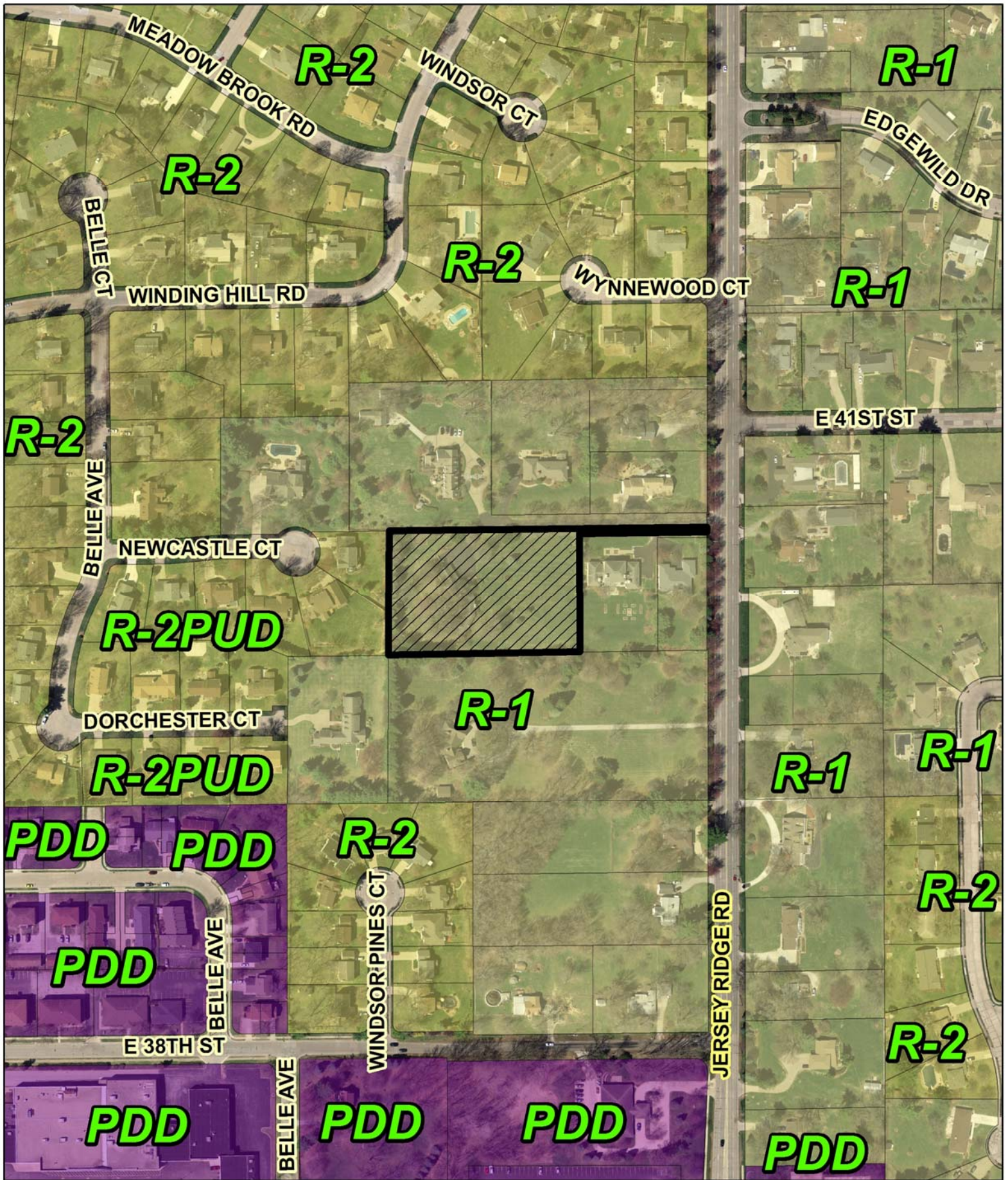
THE MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE IOWA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (1402) GEOID 12A, NAD 83 (2011) EPOCH 2010.00.

ACCESS TO THIS SUBDIVISION FROM JERSEY RIDGE ROAD IS LIMITED TO THE ACCESS EASEMENTS SHOWN.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

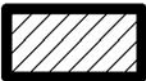
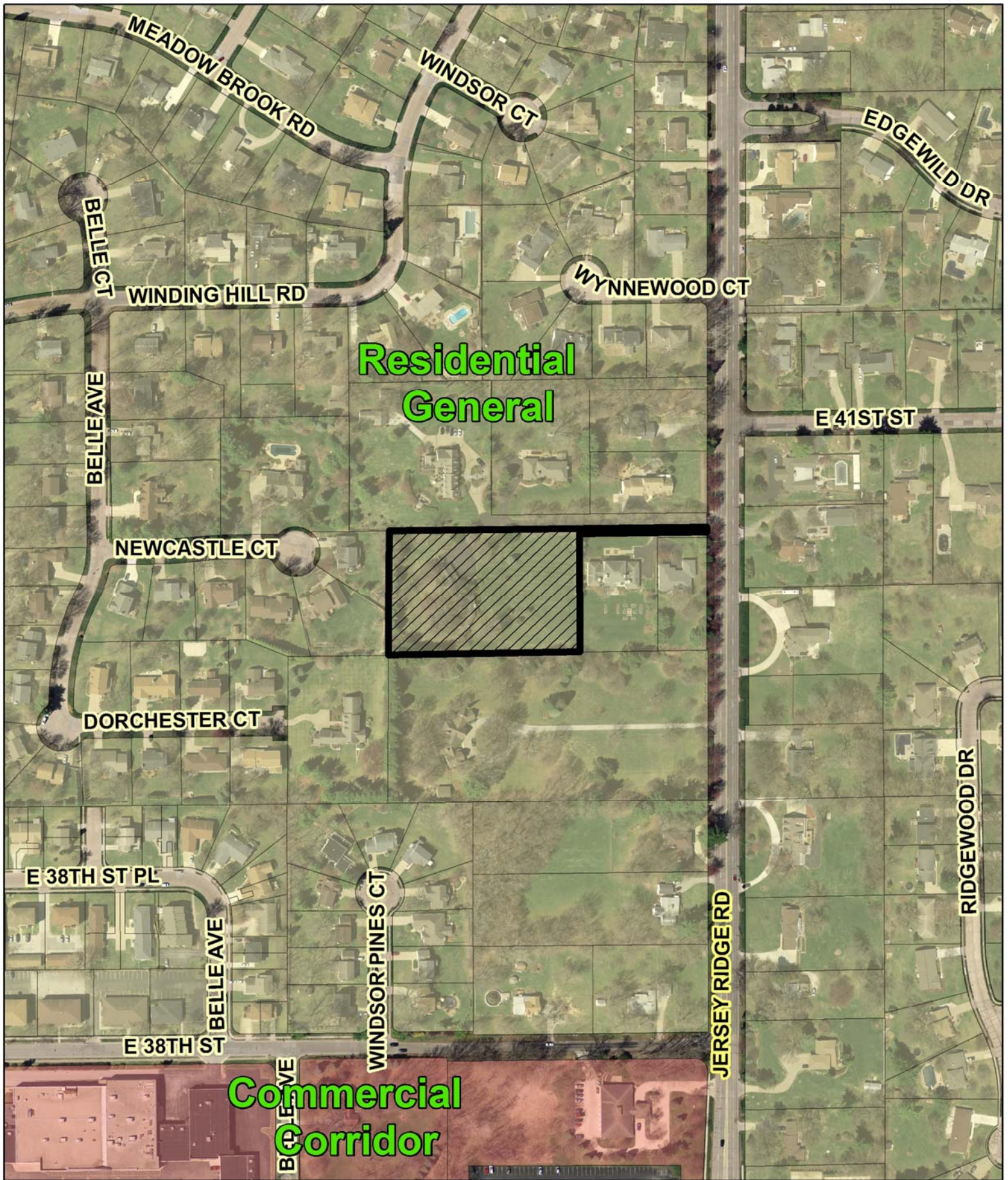
MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2019
Pages or sheets covered by this seal: 1



Subject Property

N





Subject Property

N



City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 888-2286

Date
10/2/2018

Subject:

Case No. ORD18-05: Request by the City of Davenport to repeal and replace Title 17 of the Municipal Code, entitled, "Zoning" with a new zoning ordinance and map for the entire City [All Wards].

Recommendation:

No recommendation; this is a preview item only.

Background:

See attachments for more information.

Also refer to the project website: www.davenportzoning.com

The public hearing will be held at the October 16, 2018 Plan and Zoning Commission meeting.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Preview Staff Report
▣ Backup Material	Tech Review Report

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	9/26/2018 - 1:30 PM



PLAN AND ZONING COMMISSION

Meeting Date: October 2, 2018
Request: Request repeal and replace Title 17 of the Davenport Municipal Code, entitled, "Zoning" with a new ordinance and map for the entire City. [All Wards]
Case No. ORD18-05
Applicant: City of Davenport
Ward: All Wards
Contact: Matthew G. Flynn, AICP
Senior Planning Manager
matt.flynn@ci.davenport.ia.us
563-888-2286

Recommendation:

There is no recommendation at this time, this is the preview.

Background:

This process essentially began in 2016, when the City adopted an update to the City Comprehensive Plan, Land Use Element. This effort, prepared in-house, produced a document that provides the policy basis for the Rewrite effort.

Current Zoning Ordinance

The state of the current Zoning Ordinance is not unusual:

- It has not been completely updated since the 1970s
- It's design standards that are outdated and difficult to administer
- It has a pyramid format; meaning that uses in lower intensity districts are permitted in higher intensity districts. This has lead to instances of nearby uses being incompatible with one another.
- Numerous amendments have been made that sometimes are not consistent with the rest of the code.
- The entire code is designed to perpetuate suburban-styled development and lacks the ability to achieve context sensitive design in Davenport's many older neighborhoods and districts.
- It is inflexible and thus, the Zoning Board of adjustment is called upon to decide cases frequently.
- It is not user-friendly and lacks consistent graphics to improve readability.

The City sought proposals from qualified consulting firms to help guide the City through the process.

Below is the expressed Scope of Work from the RFP:

With assistance from City Staff, the selected consultant will conduct a public process to develop a new Zoning Ordinance for the City of Davenport. It is anticipated that the consultant will work with the community to develop a "hybrid" zoning ordinance which incorporates form-based standards in established neighborhoods, updated but conventional zoning standards in newer, largely built out areas, and standards that support walkable, mixed use neighborhoods in yet-to-be developed areas of the City.

The final work program will be developed in conjunction with City staff but the scope of work should include the following:

- *Current Zoning Ordinance Diagnosis. The consultant will work closely with City staff in producing a diagnosis of the existing code.*
- *Review of Comprehensive Plan. The consultant will review and identify Plan Goals, Objectives and Recommendations to ensure the new code will be consistent with recent planning documents*
- *Public Outreach. The consultant will develop a public outreach strategy designed to inform community stakeholders and the general public on the benefits of a hybrid code, as well as conducting regular meetings and web/social media interaction throughout the process.*
- *Evaluation of Existing Neighborhoods, Corridors and Districts. Davenport contains many unique areas that will warrant context-sensitive regulations. Staff will work with the consultant to identify these areas. There may be up to 15 such areas to be studied.*
- *Drafting the Document. The consultant will prepare drafts of the zoning ordinance, including graphics, for review by staff and the steering committee, culminating in a final version to be acted upon by the Plan and Zoning Commission and the City Council.*
- *Integration of the New Code into User-Friendly Formats. The consultant will work with City staff as well as its information technology vendors to make the new code accessible and interactive with the public, as part of a currently under-development online permitting system.*
- *Staff Training. The Consultant shall provide resources to assist City staff with implementation of the new code through a 'start-up' period not to exceed one year.*

The firm of Camiros, from Chicago, was selected. Work began in early 2017.

Project Approach and Timeline:

See attachment from Camiros.

Public Engagement:

The primary method of communicating with the public in this endeavor has been the use of a dedicated website, www.davenportzoning.com. The website contains documents, draft ordinances, and the draft zoning map. For the sake of brevity in this staff report, readers are encouraged to visit the website and review materials located there.

A series of meetings have also occurred. This has included town halls, drop in sessions, updates with the Plan and Zoning Commission and the Council, and engaging focus groups on specific topics such as signs, social service agencies, institutions, and developers.

Finally, the City has used its social media platforms and youtube to spread the word.

In advance of the Public Hearing before the Plan and Zoning Commission, copies of the draft code and map have been made available at the following locations:

- CPED Offices, City Hall
- Public Works Center
- Hilltop Campus Village Offices
- Eastern Branch Library
- Fairmont Street Library

Recommendation: To be presented with the final staff report.



*Prepared by Camiros for the
City of Davenport, Iowa*

Davenport Zoning Ordinance

Rewrite: Technical Review & Approaches Report

✧ *All illustrations in this document are examples only, and do not represent regulations developed for Davenport.*

June 2017

// *Intentionally Blank*

CONTENTS

<i>Organization.....</i>	<i>03</i>
<i>Uses.....</i>	<i>05</i>
<i>Districts.....</i>	<i>09</i>
<i>On-Site Development Standards</i>	<i>19</i>
<i>Off-Street Parking.....</i>	<i>21</i>
<i>Landscape.....</i>	<i>25</i>
<i>Signs.....</i>	<i>27</i>
<i>Administration.....</i>	<i>31</i>
<i>Nonconformities.....</i>	<i>39</i>

* *All illustrations in this document are examples only, and do not represent regulations developed for Davenport.*

Prepared by Camiros for the City of Davenport, IA

JUNE, 2016

// *Intentionally Blank*

TECHNICAL REVIEW & APPROACHES REPORT

This Technical Review Report presents the findings of a technical review of the City of Davenport Zoning Ordinance performed by Camiros. The purpose of this review is three-fold. First, the review provides a more in-depth understanding of the City's current regulations as we move toward drafting the updated Zoning Ordinance. Second, it allows for the identification of additional issues not identified during meetings and interviews with City staff and key persons. Third, it introduces concepts and regulatory approaches that set direction for substantive revisions to be included in the new Ordinance.

Good zoning regulations combine rational substantive controls with fair procedures, which, when reasonably applied, assure a pattern of development and redevelopment that protects the status quo where warranted and facilitates change where desired. The regulations must be well organized, easy to use, and have standards and procedures that regulate clearly and effectively. It must allow for predictable results and the fulfillment of City objectives.

This Report focuses on regulatory issues and potential revisions identified during the technical review. This section is not intended to discuss every needed change, as some will be minor changes that “clean up” the Ordinance and create a user-friendly document, while others are much more detailed revisions that will be worked out during the drafting process. This memorandum highlights key issues and revisions that are substantive changes to current regulations, and offers conceptual approaches to resolving specific issues. Provisions will continue to evolve during drafting of each iteration.

// *Intentionally Blank*

ORGANIZATION

The Ordinance should follow a logical system of compartmentalization.

The Ordinance should follow a consistent, structured pattern from beginning to end. A key way to improve the organizational structure of the Zoning Ordinance and, in turn, its ease of use, would be to employ a system of compartmentalization. This is a technique where items of information are grouped together by regulatory category and purpose.

The current Ordinance has a number of situations where regulations are split among the different chapters. Parking regulations are split between Chapter 17.44 (off-street parking) and Chapter 17.56 (site plan review). Site plan review, which is a process, contains development standards for parking, landscape, and exterior lighting. Uses are listed within each district, rather than within a matrix. In order to place regulations into logical sections, the following is proposed for the Ordinance structure:

Chapter 1: Title, Purpose & Intent

Chapter 2: General Definitions & Measurement
Methodologies

Chapter 3: Zoning Districts and Zoning Map

Chapter 4: Residential Districts

Chapter 5: Commercial Districts

Chapter 6: Industrial Districts

Chapter 7: Special Purpose Districts

Chapter 8: Uses

Chapter 9: On-Site Development Standards

Chapter 10: Off-Street Parking and Loading

Chapter 11: Landscape

Chapter 12: Signs

Chapter 13: Planned Unit Development

Chapter 14: Ordinance Administrators

Chapter 15: Zoning Application Procedures

Chapter 16: Zoning Approvals

Chapter 17: Nonconformities

Chapter 18: Enforcement

The City should consider moving the historic preservation regulations in Chapter 17.23 out of the Zoning Ordinance and as a separate section of the Municipal Code. A number of aspects of historic preservation are outside the purview of zoning, such as designating landmarks and reviewing demolitions. While some municipalities do keep historic preservation provisions within zoning, it is more common that they are located in their own section of the municipal code. This also allows for easier amendment to the regulations, as a full zoning text amendment process is not required.

Similarly, the floodplain regulations (Chapter 17.24) should also be considered for removal from the Zoning Ordinance and revised as their own title within the municipal code. As stated above, this allows for easier amendment to the floodplain regulations, where the zoning text amendment process is not required.

All general terms within the Ordinance should be defined and located within one chapter.

We recommend that all definitions of general terms used in the Ordinance be located in a single chapter. The majority of terms are found in Chapter 17.04, but then certain chapters, such as those for signs, the Downtown Design Overlay District, the R-7 District, and others, have their own set of definitions contained within them. These should all be brought together into one chapter. Further, all existing definitions will be evaluated, updated for clarity, and checked for any internal conflicts. Any key terms that are undefined will be defined. Definitions no longer needed will be deleted. Finally, many definitions will be supplemented with illustrations.

The Ordinance would benefit from greater use of illustrations and matrices.

The Ordinance should illustrate a variety of definitions and regulations, which will more effectively communicate information to users. Numerous regulations would benefit from illustration including, but not limited to:

- Lot types, lot lines, and lot dimensions
- Landscape, fencing, and similar requirements
- Measurement rules, such as building height, setbacks, etc.
- Parking lot design
- Building design standards

Graphics are not limited to the examples cited above. It is anticipated that additional regulations, design concepts, and terms will require illustration when developed during the drafting process. The Ordinance would also benefit from a greater use of matrices. For example, a global use matrix can summarize and more clearly present information regarding permitted and special uses in the districts.

The Ordinance should clearly explain all rules of measurement.

The rules of measurement for building height, setbacks, grade, lot width, rules for unique lot configurations, how to measure dimensions on sloped lots, etc. should be brought together in one section so that their application is clear and consistent. The majority of the measurement standards would be illustrated to make them understandable to the user.

The Ordinance should not regulate ownership.

Within Chapter 17.04 different aspects of condominium ownership are defined, while some district chapters make reference to condominium ownership. A zoning ordinance should not regulate ownership; zoning provides the rules for the physical development and use of a lot, but does not regulate how something is owned (rental, condominium, fee simple, etc.). Reference to such should be removed from the Ordinance.

USES

The modern generic use approach should be adopted to address uses within the districts.

We propose a revision of how uses within the zoning districts are controlled, based upon the concept of “generic uses.” A generic use approach to the listing of uses is established by combining specific uses into a broader use category. For example, barber shops, beauty parlors, shoe repair shops, and tailors would be addressed in the use “personal services establishment,” which then can allow similar uses such as pet grooming establishments, dry cleaners, and nail salons.

Currently, Davenport employs an approach that incorporates limited generic uses, relying more on specific uses, which requires significant detail and is unable to respond to new and emerging uses. The use of a generic use approach has two main benefits. First, it eliminates the need for extensive and detailed lists, and the use sections of the Ordinance become shorter and easier to use. Secondly, the generic use approach provides the City with greater flexibility to review and permit those uses that may be desirable, but not specifically listed, within the broad context of the use definitions.

With the generic use approach, detailed use definitions are critical. Each use must be defined and many may include both examples of that use and specifically exclude those uses that are not part of the use definition. Another important element of the generic use approach is recognizing that certain specific uses are unique in their impacts and community concerns and need to be regulated separately, rather than as part of a generic use. A common example is an adult use; it cannot be regulated as part of generic retail or entertainment. Once singled out, any use listed separately cannot be considered part of any generic use category.



Permitted and special uses should be tailored specifically to the purpose of the district.

The uses allowed in each district should be evaluated and updated. Uses must correspond to the purpose, form, and function of each district. The revision process will include a full evaluation and

resorting of uses allowed in each district. To do this, two aspects of Davenport's current use structure will need to be remedied.

First, the current use of a pyramid or cumulative use approach does not allow for tailoring of uses, as it accumulates uses by district. For example, all uses permitted in the C-1 District are permitted within the C-2 District, with the addition of several new uses listed specifically in the C-2 District. The pyramid approach creates a confusing structure where the user must rely on the listing of uses in other districts in order to determine what is allowed in the district of interest. Also, uses may be added to the "lower" district that are not desirable in the "higher" district. The elimination of such an approach is recommended. Uses would be listed within Chapter 8 within a use matrix that lists all uses and districts, showing use permissions (permitted and special) within a table.

The second aspect of use control is how Davenport currently regulates special uses. Rather than list special uses allowed within the district, all special uses are listed in Chapter 17.48 and generally allowed within most districts. This again works against using use permission to further reinforce the form and function of a zoning district. Each district should have its own discreet set of uses; in one district a use may be appropriate to be allowed by right, in another it should require a special use, and finally in another it should be outright prohibited.

Certain uses require use standards to regulate impacts.

As is the case now, additional use standards are needed for certain uses. These are located within different sections of the ordinance: some definitions have standards, such as home office; adult uses and wireless telecommunications are regulated in separate chapters (17.47 and 17.49 respectively); the special use chapter (17.48) has more standards. All of these standards would be evaluated and revised against the new generic use approach, and new use standards added as needed. Certain existing standards, such as wireless telecommunications, would be updated to reflect a more modern approach to use control. They would then be consolidated into Chapter 8, the use chapter, and the use matrix would contain a cross-reference.

Incorporating new use standards can also reduce reliance on special use approvals. If certain special uses are always approved with the same set of conditions applied, those conditions can be added to the Ordinance and the use allowed as a permitted use so long as it meets those standards.

Uses related to sustainability should be added to the Ordinance.

The allowable uses within districts should include a number of "green" uses, such as urban agriculture, community gardens, solar farms, and wind farms.

A full range of temporary uses should be addressed.

The current Ordinance is not comprehensive in terms of the different temporary uses that can occur on private property. Only “residential sales” is regulated specifically in Chapter 17.53. As part of the revision, it is recommended that the full range of temporary uses be addressed:

- *Batching Plant*
- *Farmers Market*
- *Garage/Yard Sale*
- *Real Estate Sales Office/Model Unit*
- *Residential Sales*
- *Temporary Contractor’s Office*
- *Temporary Mobile Food Sales*
- *Temporary Outdoor Entertainment*
- *Temporary Outdoor Sales*
- *Temporary Outdoor Storage Container*

In addition, a temporary use permit should also be created (to be located in the zoning applications chapter) so that uses can be better regulated for impacts and to ensure that a temporary use is not, in fact, functioning as a permanent use. This would also allow for easier enforcement. Temporary events can bring impacts such as traffic, noise, litter, and security issues. With a temporary use permit, mitigation measures can be required as part of the permit approval and could control the duration of these uses, and enforce violations more effectively and efficiently as the permit would lay out the clear rules for how the event must be conducted.

// *Intentionally Blank*

DISTRICTS

A revision of the district structure is recommended.

It is recommended that a new district structure be created that better reflects the character of Davenport and helps to implement the Comprehensive Plan. This will address many of the issues that the City faces in new development and facilitate more by-right development. It will reduce reliance on the special approvals and create a positive economic development environment.

Throughout the process, we continuously review the dimensional regulations for all districts, including lot size, yards, and lot coverage, and compare them to existing conditions and redevelopment objectives. We will recommend adjustment of these controls to continue development consistent with existing character. One current observation is to change “minimum square footage per family” to the more modern “minimum square footage per dwelling unit” for any residential uses.

RESIDENTIAL DISTRICTS

The current Ordinance’s residential district structure appears to be relatively effective in creating distinct development patterns and reinforcing the fabric of Davenport’s varied neighborhoods. As developed, the majority of lots within each residential district appear to be generally conforming to overall district standards, including lot area, lot width, and required setbacks. That stated, the residential districts are in need of simplification and clarification, as they currently contain a number of provisions and standards that are difficult to interpret, or may be conflicting. Further, there are significant similarities between some districts, indicating the potential for consolidation in certain cases, and refinement of the overall district structure to ensure each district serves a unique purpose. Recommendations for the City’s residential districts include the following.

Clarification and simplification of the residential district controls is needed.

The current residential districts contain a series of provisions related to items such as accessory structures, permitted encroachments, and parking, which should be reorganized into other sections to improve the overall legibility and clarity of the zoning ordinance. Additionally, terms used throughout the residential districts are in need of clarification, as “yard” and “setback,” for instance, seem to be used somewhat interchangeably, or in combination with one another. Clarifying the difference between a required front setback and a front yard, as well as adding and defining terms such as “corner side yard” and “reverse corner side yard,” can help to clarify the intent and the requirements of these districts, and facilitate effective application of their dimensional standards. Further, a number of the residential districts also contain a “single-family attached overlay zone,” which appears to be a type of special approval that is somewhat complex in application, and may not be resulting in the type of development for which it was originally intended. We recommend the elimination of this “overlay zone” in favor of simplified controls on single-family attached dwelling units where they are permitted. Finally, the Zoning Ordinances should eliminate a minimum dwelling unit size for single-family, currently located in the definition. Adequate living area is primarily a concern of the building code, not a zoning issue, and such controls can discourage new development types like tiny houses.

Contextual controls should be refined and simplified, and new controls should be introduced.

The current Ordinance contains a series of contextual controls that are in need of refinement, such as provisions for reducing a required front setback, or the calculation of a required side setback on a corner lot. While the inclusion of these provisions is appropriate for allowing development to more closely match established neighborhood patterns, they are somewhat difficult to understand and calculate, and may be too open to interpretation to produce consistent results. The new Ordinance should provide a set of clear contextual controls that are easy to understand and apply to a variety of situations. The Ordinance should also include modern bulk and area controls related to sustainability and stormwater management in the City, such as maximum building coverage and impervious surface controls.

These controls limit the area of a lot that is permitted to be covered by principal buildings and accessory structures, as well as the overall lot area that is allowed to be covered by impervious surface, which would include structures, paving, and anything else that does not allow water to permeate. Maximums should be calibrated to lot sizes and development patterns in each residential district, and are a modern approach to improving stormwater infiltration, and reducing runoff and flooding while encouraging the use of sustainable technology such as permeable paving systems.

Current residential districts should be evaluated to ensure their effectiveness and applicability, and districts should be refined, consolidated, or created where necessary.

A preliminary review of the residential district dimensional standards indicates that the residential neighborhoods within the City are stable, and that the current regulations are generally in line with “as built” development within Davenport. Though the current regulations appear to be sound overall, the City could likely benefit from some fine tuning of existing standards to ensure that homes are able to be maintained and improved, and that new development complements existing neighborhood character.

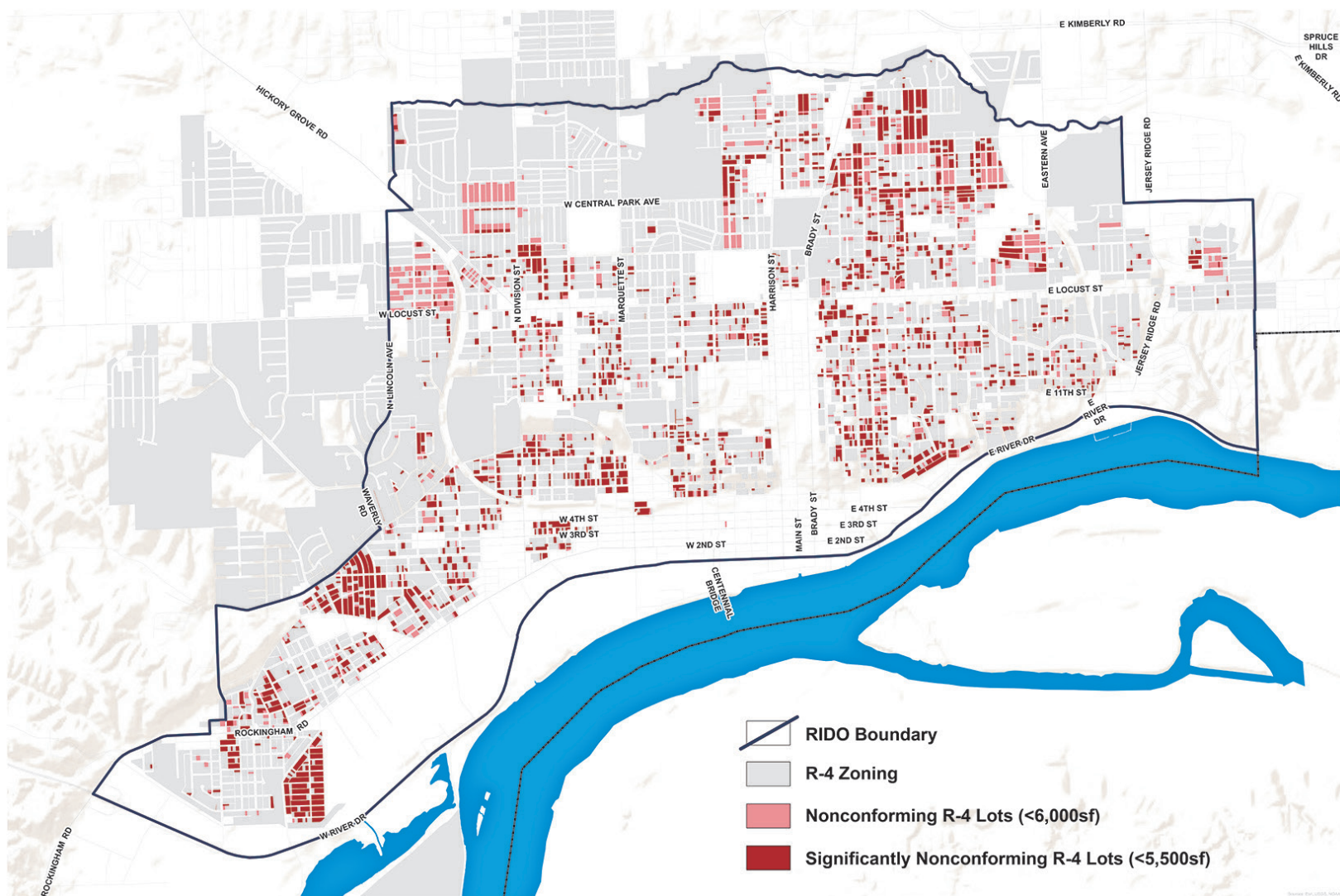
R-1, R-2, and R-3 Districts

Development in the R-1, R-2, and R-3 Districts appears to be generally conforming to the district dimensional regulations including lot area, lot width, and required setbacks. Though there is limited nonconformity in each of these districts, there is no indication that significant changes in these dimensional requirements are needed. Rather, refinements of district standards may be proposed to ensure they continue to work adequately for desired forms of development.

R-4 District

There are significant areas of nonconforming lots in the R-4 District. Though the district standards require a 6,000 square foot, 50 foot wide lot in the R-4 District, there are a number of areas that seem to have developed with significantly smaller lot area.

Preliminary analysis based upon City GIS data indicates that over 5,600 R-4 parcels have lot areas below the required 6,000 square feet, and nearly 90% of these smaller lots are located within the area currently identified as the “Residential Infill Overlay District.” Of these substandard lots, approximately 73% can be categorized as significantly smaller - less than 5,500 square feet in area. These lots can be seen on the map on the next page.



The City could consider a couple of options if there is a desire to bring these areas into conformity. Firstly, a new set of dimensional standards could be developed for R-4 lots within the current RIDO boundary. Reducing the lot area requirement to 4,000 square feet would bring over 4,000 lots up to standard if applied throughout the current RIDO area, and it would only allow a small percentage (approximately 10%) of current R-4 lots to subdivide if they meet both lot area and width standards. Secondly, the City could consider the creation of a new district, an R-4-40 that would require a smaller 4,000 square foot lot area and a 40 foot minimum lot width. This district could be selectively applied to concentrations of substandard lots within the City as appropriate, without allowing for significant subdivision to occur.

R-5 District

The R-5 District is currently very sparsely mapped, and does not appear to be fulfilling its purpose of creating a transition between the moderate density to higher density districts. Preliminary analysis indicates that the limited development that has occurred in the R-5 District is single-family dwellings on lots ranging from 6,000 to 10,000 square feet in area. We recommend eliminating the R-5 District in favor of building in appropriate transition/buffering standards into the other residential districts.

R-5M and R-6M Districts

The R-5M and R-6M districts appear to be working adequately to accommodate higher density single-family and multi-family development within the City, but should be further evaluated and refined where appropriate to ensure they are meeting the City's development needs. These districts may be able to be combined into one multi-family district that accommodates the varied uses encapsulated in the current R-5M and R-6M Districts.

R-MHP Manufactured Home Park District

Upon review, there are a number of recommendations for the R-7 Mobile Home District. One recommendation is to eliminate the term "mobile home" as it is generally considered out-of-date, and should be revised to the more modern "manufactured home," referring specifically to those units that initially have trailers installed as a part of the structure, whether or not this is maintained after installation on site. Such homes are required to meet HUD Codes, as opposed to local building codes. To distinguish it further from the other conventional residential districts, the designation should be changed from R-7 to the R-MHP Manufactured Home Park District.

The district also uses a planned development approach. This can be converted to a by-right district, with the existing dimensional and design standards for the district refined and enhanced to ensure safe and well-designed parks. Since no new areas are proposed for this district as part of this project, any new areas for manufactured home parks or any area expansion for existing ones would require a rezoning, placing control in the City Council over how and where these occur.

Finally, travel trailer parks, also known as recreational vehicle parks (RV parks), are regulated in this district. RV parks are a type of use and should not be regulated as a district. The key standards from the district would be retained for the RV parks as a use, which should be allowed as a special use in only very select districts.

Please note, that within the Ordinance, we will make a distinction between manufactured homes and homes built by modular construction. Modular homes are not considered manufactured homes, and refer to a method of construction. Modular homes are built in one or more sections, called modules, at a facility and then delivered to the site where the module(s) are set onto the building's foundation and joined together to make a single building. Modular buildings and modular homes must conform to all zoning requirements for the dwelling type and must meet all local building code requirements. A manufactured home dwelling is a prefabricated structure that is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1974, rather than local building code.

TND Traditional Neighborhood Development District

The regulations of the TND Traditional Neighborhood Development District are significantly more intricate than other districts, which may lead to reluctance to use this district (no significant development has occurred using this district since the construction of Prairie Heights). Given that refinement of the existing residential and commercial districts will accommodate a more modern mix of uses and dwelling types, and can achieve the same goals through addressing the dimensional and design standards of both residential and commercial structures, we would recommend that the current TND District be eliminated in favor of a more modern, simplified approach through the application of revised residential and commercial districts. The Prairie Heights development would be equivalenced to a PUD, which would keep all the conditions and standards imposed as part of its approval in place.

Residential Infill Design Overlay (RIDO) standards should be built into a new series of base residential districts where appropriate.

To simplify the application of infill design standards, we would recommend eliminating the RIDO in favor of a series of base districts that contain objective design controls, mapped to align with the current RIDO boundaries. To achieve this, the current residential district structure could be “split” based upon geographic location, to allow for the design standards of the RIDO to apply in base residential districts, simplifying the overall administration of the ordinance.

As an example, the current R-4 District is mapped throughout the City, both within the area covered by the current RIDO, as well as outside of the central City. This approach would split the R-4 into two districts: the R-4 and the R-4C (Central). The R-4 would be the current district (with refinements) that applies outside the RIDO, and the R-4C would be a new variant that includes the RIDO contextual design standards and modified dimensional standards as appropriate, as discussed earlier, generally aligning with the current RIDO boundary.

COMMERCIAL DISTRICTS

Davenport’s commercial districts should be refined to meet specific development objectives and ensure that each district is necessary and distinct. The commercial districts should be restructured to directly regulate development intensity, design, use mix, and functionality; development standards for these districts should recognize that the physical character of these different places varies, and that the physical attributes of these areas make their regulatory needs different. Further, the commercial districts in Davenport should be renamed to clearly communicate a range of development intensities as well as specific character areas as needed.

Over time, the City has also implemented a series of overlay districts to address specific issues related to the design of the commercial corridors, character areas and/or specific use concerns. While the intent of these overlays is important, the numerous regulations that apply to each zoning lot within them can create an Ordinance that is difficult to use and interpret. While overlay districts are a useful zoning tool, their application should be limited so that they specifically address issues that are unique to certain areas. In order to make the Ordinance more user-friendly, the City’s current overlay districts should be evaluated, and consolidated into base districts where appropriate.

Commercial districts should be refined and restructured to ensure that they acknowledge and support Davenport’s varied commercial areas, and that they accommodate a variety of development intensities.

→ The current O-T Office Transitional District and C-O Office Shop District can be combined, as they are similar in intent and scale. The new CT Commercial Transitional District would consolidate the existing districts to address areas in the City suitable for low intensity limited office, service, and retail uses, and serve as a transition between predominantly residential areas and commercial or light industrial areas. The district standards would also allow for conversion of existing residential structures into a commercial or mixed residential-commercial use.

- The City's C-1 Neighborhood Shopping District appears to be working well currently. It should be refined to ensure that the dimensional standards and use permissions are tailored to its specific purpose – primarily to serve the needs of neighborhood residents – and should be renamed the C-1 Neighborhood Commercial District to maintain consistent terminology in the revised Ordinance. The C-1 District should also accommodate low-intensity mixed-use development, with dwellings above the ground floor and townhouse residential development allowed in addition to the basic commercial uses.
- The City should consider the creation of a new commercial district, a C-2 Corridor Commercial District, geared toward accommodating the auto-oriented commercial uses located along Davenport's older commercial corridors closer to downtown, and generally of a smaller scale than the newer, larger auto-oriented uses found further from downtown. Such a district could accommodate a mix of retail, personal service, and office uses in a more auto-oriented and higher-intensity environment than the C-1 Neighborhood Commercial District. Mixed-use development could be encouraged by allowing residential dwelling units above the ground floor in the new C-2 District.
- The current C-2 General Commercial District appears to be adequately accommodating larger-scale auto-oriented commercial development adequately within the City. The current district should be renamed C-3 General Commercial District, and its standards should be refined to ensure that the intensity and scale of development in the district maintains an appropriate relationship to its surrounding context. Because of the higher intensity of use, standards should also address concerns related to access, connectivity, and adequate buffering.
- A new C-4 Heavy Commercial District may be needed to address areas of more intensive commercial development, which would be uses that are retail, rental, and service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service or storage areas and/or partially enclosed structures. Examples of heavy commercial establishments include large-scale home improvement centers with outdoor storage, display, and rental components, lumberyards, truck rental establishments, and sales, rental, and repair of heavy equipment.
- The HSD Historic Shopping District should be renamed to the VED Village of East Davenport District, and its standards should be refined to ensure they adequately implement the City's vision for the unique environment in the Village of East Davenport. Current HSD standards related to design, scale, and materials should be evaluated and refined to ensure that they are objective in nature, and easily enforceable, and contextual standards should be refined to ensure ease of applicability.
- The City's current C-4 and DDOD Districts should be combined and converted into a new base district for downtown. Special care should be taken to maintain the current flexibility and range of uses permitted within Davenport's downtown area, as this mix is seen as critical to the continued development of a successful mixed-use downtown environment. Standards, as in the current DDOD, should focus on reinforcing and enhancing the existing character of downtown as a point of regional focus, and creating a vibrant, pedestrian-friendly, mixed-use environment. The City may also want to consider expanding the boundaries of downtown to include areas of potential redevelopment – potentially to Oneida Street to the east and Filmore to the west.

With a new commercial district structure, where each district will be enhanced with design standards, the need for the HCOD Highway Corridor Overlay District is questionable. It is recommended that this overlay district be eliminated.

INDUSTRIAL DISTRICTS

- Currently, the Ordinance has two by-right industrial districts (M-1 and M-2 Districts). Because of the types of industrial present in the City and what industrial growth is expected, we would retain these industrial districts and only refine their standards and allowed uses. The nomenclature should be modernized as industrial with an “I” signifier, as opposed to the older “M” designation (i.e., I-1 and I-2 Districts). Also, neither industrial district should continue to allow residential uses. Any residential uses within districts should be rezoned if possible.
- The M-3 Planned Industrial and PCP Planned Commerce Park Districts should be converted to a by-right district for large-scale industrial and office parks, eliminating the requirement of a development plan approval like a planned unit development for each of them. A new district can come from the combination of the districts, and could be renamed the IOP Industrial Office Park District. Maintaining two separate districts does not appear to be necessary. The new district would be oriented to large-scale office complexes and some manufacturing, and include limited ancillary services for employees within the campus such as personal services, restaurants, and retail. Standards are included to guide the development of the office campus, including how to orient structures around open space and create a cohesive appearance.
- Finally, certain older industrial areas have seen a turnover of certain buildings into uses that are not industrial in nature. Some industrial structures are no longer suited to modern industrial needs, but can accommodate a unique variety of creative uses. These structures provide character to the City, and should be preserved. In order to help encourage that, an I-MU Industrial Mixed-Use District can be created that allows for light industrial uses but also commercial uses and even certain residential uses like live/work or studio apartments. This can confine the mixing of uses to specific areas and protect key resources for industrial or research uses only.

SPECIAL PURPOSE DISTRICTS

There are existing special purpose districts within the current Ordinance that should be maintained.

- The A-1 Agricultural District should be retained and regulations refined to reflect its agricultural purpose and prevent unnecessary encroachment by non-agricultural uses.
- The COD Casino Overlay District addresses a very specific use, with very significant impacts. Because it is a rare use, no significant changes are recommended.
- No issues with the standards of the FC Flood Channel and FP Flood Plain Districts have been identified to date. As stated earlier within the organization section of this Report, the City should consider moving them to their own title in the municipal code.

- The HCVOD Hilltop Campus Village Overlay District addresses the unique environment of the Hilltop Campus Village. The current overlay district covers a wide variety of base districts, and is primarily focused upon maintaining the unique physical environment of this part of the City. As such, it is anticipated that the HCVOD will remain an overlay district, and its standards evaluated and refined to ensure it is adequately reinforcing the character of the Hilltop Campus Village.
- The PID Planned Institutional District is appropriate for the large-scale institutions in the City (universities and hospitals). Upon reviewing the revisions during drafting, it is anticipated revisions would be suggested to streamline the process but not to substantially change the requirements. However, the district is also used for housing and supportive services, which is a subset of the main regulations. These specific uses may be able to be regulated as a use, rather than as a district.
- The Conservation Subdivision Planned Unit Development District should be renamed the CDD Conservation Design District, removing reference to subdivision and PUD as it is its own type of rezoning involving a development plan. Overall the district is in line with best practices for conservation design. However, three areas should be evaluated for revision. The first is to allow for a slightly higher density bonus, which would need to be determined once the residential districts are revised; this increased density would also serve as an incentive for developers to use this district. Standards for how the residences should be laid out should also be added. Second, the uses permitted within the district should be looked at. Finally, the district should describe what qualifies as the required open space and how that open space should be integrated into the overall site.

New special purpose districts that can serve other land uses in the City can be added. The City has a significant area devoted to parks, open space, and natural areas. Specific districts for these areas can offer two benefits. The first is that parks, open space, and natural areas are protected from incompatible encroachments. The second is that, if someone desired to change the use of that area, a rezoning is required, allowing the City control over the future land use of that parcel.

- An OS Open Space District would encompass parks and playgrounds throughout the City. The use structure would also acknowledge that public parks serve multiple functions, not just recreation; therefore, other uses like outdoor entertainment venues, park cafes, special events, and similar should be allowed. This type of district offers two benefits. The first is that the use within the district is protected as only active and passive recreation areas are allowed. The second is that, if someone desired to change to the use of that area, a rezoning is required, allowing the governing body control over the future land use of that parcel.
- A NA Natural Areas District can also be included that is more restrictive in terms of development and use to protect existing natural areas. These are areas specifically designated for preservation of their natural features where development is limited to uses like hiking trails.

These districts (OS and NA Districts) would be mapped over lands controlled by the City or another authority. No private property would be mapped as such as part of this exercise. However, a property owner may request such designation in order to preserve land for such purposes.

DESIGN STANDARDS & ADAPTIVE REUSE PERMISSIONS

Design standards can be added to appropriate districts to ensure the quality of new development.

In order to ensure quality new development, certain districts and uses should incorporate basic design standards. The key to successful design standards is to accurately convey the aesthetic desires of the community, protect key physical resources from inappropriate alterations, and maintain the flexibility needed to solve difficult design issues and allow innovative new development. Good design standards result in infill development that maintains City character and implements desired redevelopment patterns. Multi-family and townhouse developments, and Commercial development, including mixed-use developments, should incorporate design standards.

The intent is not to control the architecture of new development but rather to address basic building design: façade articulation, fenestration, public entrance design, prohibited building materials, and similar. Standards should be written so that they are more objective in nature than subjective, for easy review and administration.

This can also be accomplished in part or in whole – depending on the purpose of the district – through form-based coding techniques. Form-based coding controls speak to building form, including the relationship of buildings to each other, to streets, and to open spaces. This approach to zoning could just as easily be called “place-making” because it allows for shaping of building and development to achieve community character objectives. It is an important tool to implement design and development policy. It can provide a design framework within which development can be coordinated to create a physical and visual environment that meets local quality-of-life goals. Form-based controls can add performance requirements that establish or maintain a community’s image and set a clear design policy, reflecting the vernacular architecture and desired streetscape, and establishing the overall physical character of the area.

Form-based coding focuses on building the compatible components of a district, rather than focusing primarily on rules for the development of individual lots. Thus, form-based coding stresses a more comprehensive physical compatibility that includes both adjacent buildings and the public realm. Form-based coding, being concerned about the visual and physical contextual relationship between properties and the public realm, demonstrate how these standards should be applied based on the site configuration and the general building form. This will also lead to a more predictable development environment, as all the requirements are clearly described within the ordinance and so long as compliance is achieved, special reviews and approvals are no longer necessary.

Finally, based on proximity to the Mississippi River, developments of significant intensity, specifically height, can include some standards that work to protect viewsheds to the river, helping to maintain a visual connection to the riverfront.

Adaptive reuse permissions should be included to preserve significant structures in the City.

These provisions would be focused on the adaptive reuse of existing non-residential buildings, such as older industrial or commercial buildings, unique uses like schools and firehouses, and cultural facilities. The conversion of these structures into compatible uses, such as multi-family dwellings, office uses, or a series of commercial spaces, should be considered. Standards can be integrated into the districts that specifically deal with the impacts felt from if the reuse is of a higher intensity than the neighborhood. The intent is to encourage the retention and renovation of sound existing structures, and ensure that any uses that located within them remain compatible with the adjacent neighborhood and maintain its character.

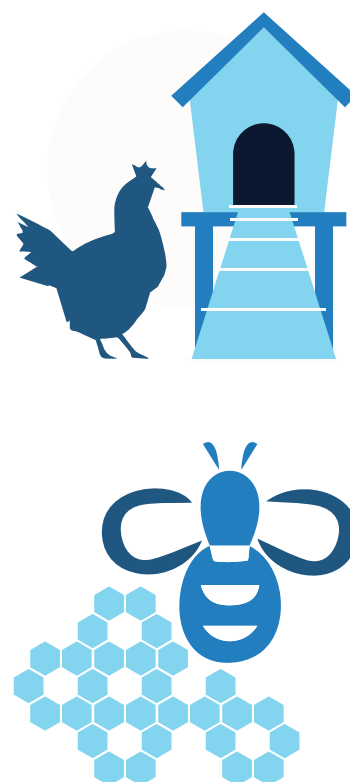
ON-SITE DEVELOPMENT STANDARDS

The accessory use and structure section of the existing Ordinance needs updating.

Very few accessory structures are specifically controlled in the Ordinance, with only general detached buildings and fences called out Chapter 17.42. Accessory structures and uses need to be pulled from the general use permissions within the districts and regulated separately in their own section. The Ordinance update should include a comprehensive list of accessory structures and include regulations for each in terms of size/dimension, height, placement, and other dimensional and location requirements. Certain accessory structures and uses, such as residential outdoor storage and the construction of numerous storage sheds on residential lots, which have been difficult for the City to regulate, will be carefully addressed within the revised Ordinance with the goals of easier enforcement and compatibility between lots. Other accessory uses, such as home occupations, will be modernized to ensure that the standards are compatible with the larger emerging economies.

Common accessory structures and uses include the following:

- Amateur (HAM) Radio Equipment
- Apiary
- Arbor
- Carport
- Chicken Coops
- Coldframe (Hoop) Structures
- Deck
- Farmstand
- Fences
- Garage
- Gazebo
- Greenhouse
- Home Occupation
- Mechanical Equipment
- Outdoor Sales and Display
- Outdoor Storage
- Patio
- Pergola
- Personal Recreational Game Court
- Rain Barrel
- Refuse and Recycling Containers
- Satellite Dish Antenna
- Shed
- Solar Panels (Private)
- Swimming Pool
- Trellis
- Vegetable Gardens
- Vehicle Charging Station
- Water Features
- Wind Turbines (Private)



Certain of these accessory structures, such as chickens, may already be regulated by other ordinances within the City Code. Where it is infeasible to move the regulations into the Zoning Ordinance, a cross-reference should be included.

The accessory structure section of an ordinance is where a number of new sustainable development techniques are regulated. Examples within the accessory structures list above include solar panels and wind turbines, rain barrels, and vegetable gardens.

Consider allowing accessory dwelling units in residential zoning districts.

The current Ordinance does not address accessory dwelling units (ADU), a housing option that can be used to create additional housing options while respecting the scale of single-family neighborhoods and provide an option for owners of larger properties to supplement their income for maintenance of the home. ADU, also known as “granny flats” or “mother-in-law apartments,” create density to help support nearby local commercial nodes, and often serve to house multiple generations of the same family, potentially improving the quality of life of seniors, as well as the maintenance of existing housing stock.

The City could allow ADU in larger lot residential districts or for single-family lots over a certain square footage, provided that they meet specific standards that manage the impact of ADU on neighboring properties. These standards could include requiring one of the dwelling units to be occupied by the property owner, limiting them to one per lot, requiring a minimum lot size to establish an ADU, such as 10,000 square feet, defining a maximum ADU gross square footage, footprint, and height, and indicating permitted locations on the lot (whether the ADU may be within a detached accessory structure and/or part of the principal structure).

The Ordinance should include exterior lighting standards.

Clear standards for exterior lighting control on private property should be included. In the update, a full range of exterior lighting standards should be created. Tailored lighting standards are required for different districts, such as commercial versus residential districts, and for certain uses, such as gas stations, where lighting is a safety and an aesthetic issue. Special standards are also needed for recreational fields, which typically require higher intensity lighting mounted on significantly taller light poles. Many of the best practice standards on appropriate exterior lighting would be integrated to minimize light pollution and conserve energy.

A permitted encroachments table would help to clarify what types of encroachments are allowed in required yards.

Attached accessory structures and architectural features should be regulated through a permitted encroachments table, where the location – in relation to the required setbacks and yards – is controlled. The current Ordinance does control some encroachments into yards but would be better organized as a table that includes the full range of accessory structures and architectural features.

It is important to note that there is often overlap between permitted encroachment permissions and accessory structure regulations. Therefore it is important to organize the accessory structure and permitted encroachment regulations in a coordinated manner with cross-references between the two sections.

OFF-STREET PARKING

The City's off-street parking requirements and facility development standards should be updated.

Updated parking requirements should address the full range of off-street parking and loading elements. Required number of spaces is located in its own section, while design elements are located within the site plan review requirements. These need to be consolidated into one chapter and address all elements of vehicle and bicycle storage. In order to be comprehensive, this section should update and add the following:

- Permitted location of off-street spaces for all districts, including allowances for remote lots
- Parking lot design (surfacing, curbing, marking, pedestrian connections, etc.), including allowances for permeable surfaces
- Parking structure design
- Driveway and curb cut standards
- Minimum parking space dimensions based on parking angles
- Parking flexibilities
- Required stacking spaces for drive-through facilities, including design of stacking spaces
- Required number of off-street spaces per use
- On-site snow storage design
- Bicycle parking requirements
- Location and design of off-street loading
- Storage of commercial and recreational vehicles

Regulations should consider both the demand for parking, and the design and appearance of parking facilities. Adjustments to parking ratio formulas to reflect local demand and conditions should be made as the rewrite process goes forward.

Parking maximums should be considered.

For certain large-scale non-residential uses, the City should consider instituting parking maximums to ensure that excessive amounts of parking are not created. Frequently, parking amounts are provided to accommodate peak demand that is not regularly seen – i.e. parking is constructed to accommodate “Black Friday” or Christmas Eve retail shopping. Limiting off-street parking to a maximum percentage above the required amount can help to prevent excessive paving and its associated environmental impacts.

Parking requirements should reflect local demand and conditions.

Parking requirements should be summarized within a matrix that establishes requirements for off-street parking for each use within the districts. This allows for tailoring of parking requirements to the nature and physical make-up of each use. When the use structure is determined in the Ordinance, the listing of parking requirements by use should sync with those within the districts.

Special development types, such as strip retail centers and shopping centers, are better served by specialized parking requirements that calculate the required parking based on the floor area of the development as a whole, rather than as a collection of individual uses. Because uses turnover frequently, parking calculations for these developments can move between conformance and nonconformance if done on a use basis. A single calculation based on gross floor area would better allow these developments to manage parking and maintain and attract new tenants.

Finally, all required uses should set parking requirements based on an objective standard, such as gross floor area, rather than on standards that can be manipulated like number of employees.

Additional parking exemptions may be needed to address the realities of developed areas.

There are limited parking flexibilities in the current Ordinance. In the more urban areas of the City, areas that are already built-up may have trouble accommodating the required amount of on-site parking. Therefore, additional districts or uses may benefit from parking flexibilities. Examples of such exemptions include:

- Based upon how the zoning districts are revised, it may be appropriate to exempt additional districts from parking requirements. For example, if a commercial district is created that addresses small clusters of existing commercial uses integrated into residential neighborhoods, typically such districts were developed without parking and should be exempt.
- Certain neighborhood commercial uses – like corner stores - have been developed without any room on the lot for parking, so existing structures that lack parking should be exempted.
- Exemptions can be based on the size of a business – for example, exempting the first 2,500 square feet from parking calculations – in order to provide relief for new developments on small lots. This would require only larger structures to provide parking.
- Parking facilities that provide car-share spaces could be given a reduced parking bonus. At a minimum, car share spaces should count toward required minimum parking.

A by-right shared parking flexibility should be established.

In addition to a permission for uses to share a parking facility, an additional by-right shared parking regulation should be included based on a formula that calculates how much parking is actually needed by the uses when developed collectively, based on their intensity of use during the hours of the day. Mixed-use developments, multi-use office parks, and similar types of development, as well as property owners that establish cross-access easements, would be eligible for this type of shared parking. (Retail centers as described earlier would not be eligible for this flexibility.) The following is an example of such a standard:

- The required number of spaces for each use is calculated according to parking requirements.
- The required number of spaces for each use is then applied to the percentages for each timeframe, according to the appropriate land use category, as shown in the table below, to determine the number of required spaces. This is done for each time category.

- The numbers are summed for all land uses within each timeframe and the highest sum total in a timeframe is the required number of spaces. Due to the percentages, this is less than would be required by simply summing the requirements at 100%.

Example Of Shared Parking Equation – For Illustration Purposes Only						
LAND USE	Weekday			Weekend		
	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
Residential	100%	55%	85%	100%	65%	75%
Retail/Personal Service	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel/Motel	100%	50%	90%	100%	65%	80%
Office	5%	100%	5%	0%	40%	10%
Industrial/Laboratory	5%	100%	5%	0%	60%	10%

This table would be adjusted to reflect the new use structure and parking demand for Davenport. (The above table is an example only.)

The Ordinance should require bicycle parking for certain larger-scale developments.

Similar to vehicle parking requirements, certain uses should be required to provide bicycle parking. Generally, these would be larger-scale uses, such as multi-family dwellings, commercial uses over a certain square footage, educational facilities, and places of worship. The required number of spaces should specify how many short-term and long-term bicycle spaces are needed, and include design and siting requirements.

When accommodating bicycle parking spaces on-site proves difficult, the Ordinance should allow flexibility by allowing bike racks to be placed in the public right-of-way where space is available. The property owner would need to make suitable arrangements with the City to allow bike racks in the public right-of-way.

The required amount of current loading standards should be updated and include comprehensive design standards.

The number of loading spaces is an important element of new development and should continue to be required by use type, which should be updated to link to the new use structure. However, requiring loading spaces for smaller of developments may cause problems for small lot developments. Loading spaces should be required for larger developments that frequently have large truck deliveries. Also, in order to encourage the preservation and reuse of older existing structures, the Ordinance should include loading exemptions for structures where no loading areas were originally provided.

Design standards should address permitted location, such as distance from street intersections, yards where loading spaces may locate, surfacing requirements, and required screening. Dimensional requirements should also be standardized.

// *Intentionally Blank*

LANDSCAPE

Current landscape requirements should be revised for clarity.

The contribution of landscape to the visual quality of the built environment cannot be overemphasized. The current landscape section contains a full set of landscape requirements, but have been cited numerous times as being confusing and hard to administer, as well as not achieving the proper level of landscape desired. These regulations will be revised to ensure the proper levels of beautification and screening without creating situations that require variances, and will be clear in their application.

The landscape requirements should be organized around the following:

- Landscape plan requirements
- Selection and installation requirements
- Design criteria
- Interior of parking lots plantings
- Perimeter of parking lots plantings
- Building setback landscaping
- Buffer yards and screening
- Tree conservation
- Parkway landscaping

A preferred plant list can also be included as an appendix to the Ordinance to guide users in the appropriate types of plantings within the City.

Landscape requirements should be practical, sustainable, and achievable.

The landscape section should contain regulations that are easy to calculate, and should provide a clear path to meeting those requirements. Initial recommendations include:

- Building setback landscaping for multi-family and non-residential uses should be required only where adequate space can be provided to ensure long-term health of required plant material. Requirements should be adjusted, or alternative methods of meeting the building setback landscape should be provided for structures that are sited 10 feet or less from a lot line.



Example Graphic
Buffer yard requirements

- Buffer yard requirements should be evaluated and updated to ensure proper screening between incompatible adjacent uses. Buffer yards for new construction should be required along interior side and rear yards where non-residential uses are located within residential districts, and where non-

residential uses abut residential districts. The City may also want to consider requiring buffer yards between lower intensity single-family districts and multi-family development.

- Parking lot perimeter landscaping should be required only where parking lots abut the public right-of-way, excluding alleys, to facilitate shared parking and cross-access easements between complementary adjacent uses. Updating the buffer yard requirements as recommended above will work in tandem with this recommendation to ensure that adequate screening is in place where appropriate.
- Interior parking lot landscape requirements should ensure consistent, predictable results regardless of the size of a parking lot. For example, islands should be required to be a standard size, generally the same dimensions as a parking space. Diamond-shaped landscape islands should be prohibited. A standard should be set requiring an island for every “x” number of spaces in a lot, and a standard number of trees and other vegetation should be required for each island. In addition to these requirements, a base percentage should be established, generally 10%, to ensure that all lots maintain a minimum amount of landscape area, regardless of the number of spaces provided.
- The use of stormwater management techniques such as raingardens and bioswales should be encouraged in landscape areas, including parking lot landscape. Parking lot island and landscape requirements should encourage designs to accommodate stormwater infiltration where appropriate.

Landscape requirements should contain requirements to bring existing developed sites into conformance.

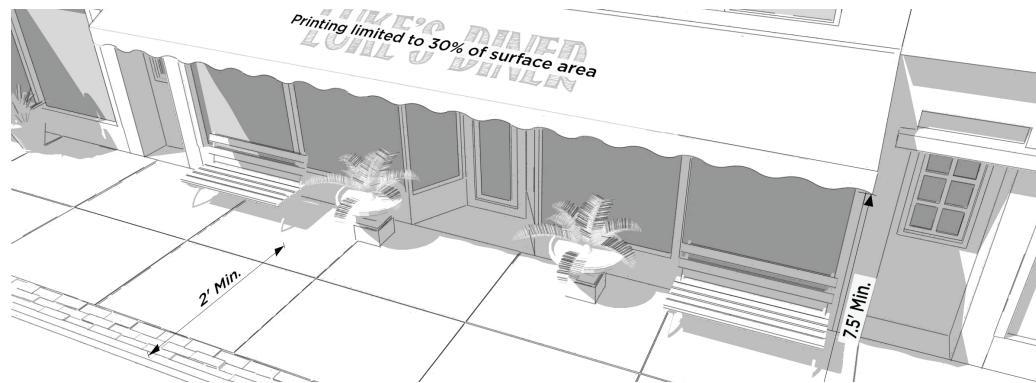
Landscape should be required when modification of parking lots and significant building expansions are requested. When building additions or expansions are undertaken, the percentage of landscape required can be linked proportionally to the additional building area. Existing parking lots can be required to comply with landscape requirements when a certain number of parking spaces are added to the lot or if the lot is reconstructed.

SIGNS

The sign regulations should be updated to be responsive to district form.

Current sign standards may not offer an effective means of controlling signs. Sign permissions need to be evaluated and tailored to the form of each district and regulated by sign type. Sign area limitations should be brought within reasonable maximums and proportioned to the type of development anticipated in the district. In all cases, the evaluation of existing sign area and height is critical to the determination of proposed controls, which will require continued input.

In addition, the recent Supreme Court decision of *Reed vs. Gilbert* has emphasized that sign regulations must be content neutral. We will ensure that new provisions and revisions are in line with this requirement.



Example Graphic -
Awning Sign regulations,
including minimum
clearance, percentage
printing on sign face,
and other dimensional
requirements.

A general standards section should address a number of provisions applicable to all signs.

General standards that should be included are the following:

- **Prohibited sign locations.** The Ordinance should clearly state where signs cannot be erected or mounted, including egress/ingress locations, architectural features, and corner visibility areas. This section should also state that signs cannot be placed on public or private property without permission.
- **Construction standards.** These standards should address wind pressure and direct load minimums, permitted glass and lettering materials, mounting requirements, etc. Related provisions within the building code can be cross-referenced here.
- **Maintenance requirements.** Maintenance requirements should require repair and/or removal of unsafe or damaged signs, and upkeep of the sign structure and the area around the sign (litter removal, painting of rusted areas, etc.). This includes rules for abandoned signs.
- **Illumination regulations.** Sign illumination regulations should include all aspects of illuminated signs. Sign illumination standards typically cover permissions for the types of signs that may be internally and/or externally illuminated, standards for uplighting and downlighting signs, which can be tailored to district and sign type, and how signs can be highlighted with the use of neon or LED lighting. These

standards are intended to prevent the nuisance effects of glare and light trespass, as well as the aesthetic character of districts.

Measurement of sign area, sign height, and other dimensional requirements would be addressed in the rules of measurement.

Prohibited sign types should be clearly described.

This section would expand the current prohibited sign section to ensure that all undesired sign types are identified, including:

- *Animated signs*
- *Select attention-getting devices*
- *Flashing signs*
- *Moving signs*
- *Audio-enhanced signs*
- *Painted signs*
- *Illegally affixed signs*
- *Portable signs*
- *Roof signs*
- *Signs that interfere with traffic*
- *Temporary off-premise signs*

Exempt signs need to be evaluated, particularly in light of content neutrality principles.

Certain signs should continue to be exempt from sign permit requirements, as is the case now. A proposed set of these sign types include (some are already regulated as exempt) is listed below, in line with content neutrality requirements:

- Exempt alteration and maintenance activities on existing signs
- Exempt ancillary signs (Logos and labels located on mechanical equipment, recycling bins, trash containers, and the like, which are part of the equipment as manufactured and/or installed; gas station pump signs; address and name of a building or the occupant)
- A-frame signs for retail, personal service, restaurant uses
- Banners
- Multiple-tenant building sign (Multiple tenant buildings, such as townhouse dwellings, multi-family dwellings, and non-residential developments with multiple tenants, are permitted an additional sign)
- Construction activity sign (On a lot where active construction is taking place, a temporary sign is permitted in conjunction with such construction)
- Flags (Any nation, state, municipality, or political subdivision, flags officially designated as a national, state, or local symbol, or flags of fraternal, religious, and civic organizations)
- Government sign (Federal, state, or local governments or taxing bodies may install signs in the public interest)
- Light pole banner (Light pole banners on private property)
- Memorials (To memorialize a historic person, event, structure, or site)

- Noncommercial message sign (The expression of noncommercial ideas and messages)
- Parking lot and structure signs
- Real estate activity sign (When a structure or lot is offered for sale, lease, or rent, such lot is permitted an additional temporary sign)
- Window signs

Even though these signs are exempt from permits, standards would be needed for each type that may include maximum size and height, required setback, number per lot, permitted display period for temporary signs, sign construction materials, and those districts and/or uses allowed to install them. In particular, the display period of exempt temporary signs needs to be properly regulated so that they do not become de-facto permanent signs and so that the permitted display period relates more specifically to the type of temporary sign. Rather than blanket permissions, temporary signs would be distinguished by type and then assigned permitted display periods as applicable. Display periods for certain types of temporary signs should also be limited to the number of times they can be erected per year, with a minimum break between displays.

The regulations for permanent signs should be refined to address the full range of permanent signs, and regulate them based on the form and scale of each district.

Permanent sign regulations should address all aspects of the sign's character and location - maximum height and sign area, minimum setback, vertical clearance, maximum projection, etc. In addition, how signs are allocated to corner buildings and multi-tenant centers must also be evaluated. An important element will be to determine where the different sign types will be allowed. Refining permissions by specific districts would allow the Ordinance to prohibit them in some districts while allowing them within others. In addition, the maximum size of signs – whether height and/or area – should also be tailored to the different districts. It is proposed that an overall cumulative maximum sign area for a lot be eliminated and, rather, controlled by allowing certain districts certain sign types of a maximum size.

It is anticipated that the following types of permanent signs would be allowed and regulated as follows:

- **Awnings and Canopies:** Projection and vertical clearance maximums, percentage of printing allowed on sign face, permitted materials.
- **Attention-Getting Devices:** Sign area, height, location, number of signs permitted, permitted display period.
- **Freestanding Signs:** Height, type (pole vs. monument), sign area, setback, minimum street frontage required, number of signs permitted.
- **Projecting Signs:** Sign area, projection and vertical clearance maximums, number of signs permitted.
- **Marquees:** Construction requirements, projection and vertical clearance standards.
- **Menuboards:** Height, sign area, setback, number of signs permitted.
- **Wall Signs:** Sign area, projection maximum, number of signs permitted. Wall signs should be controlled by a proportional control, such as one square foot per linear foot of façade. Wall signs should also include a special provision for building identification signs located at the top of high-rise buildings.

A detailed review of the current billboard regulations will also be conducted to ensure compliance with federal regulations. It is proposed to enhance these with a clarification of where they are allowed and how they can be constructed, including provisions for electronic billboards.

Electronic (digital) signs need to be addressed.

The permissions for electronic signs, also called digital or LED signs, should be clarified. Today, there is an increased desire to permit these types of signs within commercial districts for larger developments well as for a broad range of institutional uses, such as schools, libraries, parks, government buildings, etc. Many communities allow these types of signs, as it is recognized that the cited uses would like to use these signs and that they are more modern and can be more aesthetically pleasing than manually changed message boards. The City should consider allowing these signs in select districts and for select uses. It is recommended that electronic signs be allowed, subject to conditions.

A clear definition of this type of sign would be needed, with clear permissions for where they would be allowed. These types of signs should be properly defined, and permitted or prohibited in districts as appropriate. These types of regulations include:

- Districts and/or uses permitted such signs
- Minimum lot frontage required to install such signs
- Number allowed per lot
- Type of sign construction (freestanding, wall, marquee): the regulations applicable to the sign type would apply to the electronic sign
- Maximum percentage of sign devoted to the electronic component
- Message changeover delay
- Operational controls
- Maximum illumination
- Prohibition of flashing, scrolling, and animation

ADMINISTRATION



Administrative responsibilities, application processes, and approvals will be clarified.

The administrative sections of the Ordinance should be reorganized to make the processes easier for applicants to follow.

Currently, administrative responsibilities and procedures are found in different articles. In order to make the various applications and their respective processes and requirements user-friendly, the following reorganization is proposed:

Ordinance Administrators

This Chapter would list the powers and duties of all boards and officials involved in administration. By listing all boards and officials for all applications, the process is clarified (i.e., the user can easily reference who recommends and who approves). The following boards and officials will be included:

- City Council
- Plan and Zoning Commission
- Zoning Board of Appeals
- Design Review Board
- Zoning Administrator

In addition to those administrators named above, any other departments or officials that issue zoning approvals would also be listed.

Application Process

This Article would contain the rules for processing the various zoning applications. These administrative procedures will be consistent with Iowa law and grouped into the following three sections:

- Application process
- Notice
- Public hearing

Approvals

All applications and approvals would be found in this Chapter. We anticipate that the following applications would be included:

- Amendments (text and map)
- Special use
- Variations
- Administrative modifications
- Site plan review
- Design review
- Planned unit development
- Zoning interpretation
- Zoning appeals

To the degree possible, the following structure would be used for each application:

- Purpose
- Applicability
- Authority
- Procedure
- Approval Standards
- Appeal

One issue that should be discussed in the early stages of the process is whether to continue to maintain the historic preservation requirements within the Zoning Ordinance. Since the scope of these regulations exceeds the typical zoning purview, such as controls on demolitions, it may be better served within its own ordinance in the larger City Code.

A completeness review should be included as part of the filing of applications provision.

It is recommended that a completeness requirement be added to the Ordinance in order to avoid the submittal and processing of incomplete applications. An example of such a requirement is as follows:

The Zoning Administrator will determine whether a submitted application is complete. The Zoning Administrator will notify the applicant as to whether or not the application is complete, and will not process the application until any deficiencies are remedied. Once the Zoning Administrator determines that the application is complete, the application will be scheduled for consideration.

This would allow interested members of the public to review the complete application prior to the hearing and would help to eliminate postponements on the basis of incomplete submittals. It should be noted that payment of fees should be considered part of completeness review.

An optional pre-application review should be included as part of the filing of applications provision.

It is recommended that applicants be allowed to conduct a pre-application review with zoning staff and any additional staff deemed appropriate to provide input on an application. This is conducted prior to any formal application or payment of fees, and all comments are not binding with respect to any official action that may be taken on the application.

Approval standards and timeframes for the different applications should be updated.

Each of the applications, in particular amendments, variances, and special uses, should have a set of approval standards. Current standards for each application should be updated for consistency with Iowa case law and clarified. In addition, timeframes for review and hearing of the different applications should be included so that applicants can better predict the processing of their applications.

Some flexibility in the variation process can be included through an administrative modification procedure.

The City can reduce the number of cases required to be reviewed by the Zoning Board of Appeals and introduce some flexibility in the variation application by defining and establishing a procedure for administrative modifications, with certain applications reviewed and approved by the Zoning Administrator. The purpose would be to provide a streamlined approval procedure for minor modifications of select standards, without requiring a public hearing. Examples of the types of modifications that could be approved as an administrative modification are the following:

- A 10% variation on any dimensional standard within the Ordinance
- Reduction of required off-street parking spaces by no more than 10% of the required amount
- A variation for bicycle parking requirements

It is important to note that an administrative modification procedure has a number of checks and balances built into it. First, the Zoning Administrator is given the ability to decide that an application – even if it is clearly an administrative modification category – is by its nature a standard variation, and therefore must be scheduled before the Zoning Board of Appeals. Second, if the Zoning Administrator denies an administrative modification, then the applicant can appeal that decision to Zoning Board of Appeals. An additional safety is added whereby if any person objects to the application in writing prior to the date the decision is rendered, the application will be automatically transferred to the Zoning Board of Appeals as a standard variation.

An administrative modification should be properly noticed. Some communities that have instituted the administrative modification have reduced notice requirements to create a more expedited review and to save the applicant costs in terms of mailed notice. In most communities that implement this, mailed notice is sent only to adjacent landowners.

Finally, like a standard variation, an administrative modification may be granted only where there are special circumstances applicable to the subject property – an undue hardship stemming from unique circumstances. As in all variation cases, a personal hardship does not justify a variation, nor does a hardship that has been intentionally created. The same findings of fact are applicable. The administrative modification is only intended to streamline the process for minor modifications, lessening the burden on both the Zoning Board of Appeals and the applicant.

A zoning text interpretation process should be added.

Every municipality has an informal process for text interpretations, but the Ordinance should include a formal process for documenting text interpretations. No ordinance can adequately or clearly address every possible aspect of regulation, so this process allows the Zoning Administrator to render a written interpretation upon request. This results in a record of interpretation requests, which leads to the predictable and consistent application of the regulations.

Design review requirements should be consolidated into one section.

The Design Review Board began as part of the Downtown Design Overlay District and the administrative provisions are currently located within that section. However, the Board's review powers have expanded past the downtown, addressing the Residential Infill Design Overlay, the Hilltop Campus Village Overlay, and the Historic Shopping District, as well as appeals of administrative decisions pertaining to the application of design criteria for properties located in the Highway Corridor Overlay District. Therefore, their role in reviewing development should be consolidated and clearly defined within the administrative sections.

Eliminate the distinctions between the planned unit developments and create one planned unit development (PUD) option.

Rather than maintain special separate approvals for different types of planned unit developments, a more flexible and easily administrated option is to create a single planned unit development procedure. This would be a single development application that would be considered a special use in certain districts, eliminating the distinctions.

This type of PUD is a development guided by a total integrated design plan in which one or more of the zoning regulations are modified to allow flexibility and creativity in site and building design and location, in accordance with general guidelines that accrue benefits to the City and the public interest. PUDs are typically included in ordinances as a distinct category of special use. In particular, the planned unit development technique is intended to allow for flexibility in the application of zoning requirements based upon detailed review of individual proposals for significant developments in exchange for additional benefits to the City and the public. This special regulatory technique is included in ordinances in recognition of the fact that flexibility may be needed in the application of required yard and bulk regulations, and occasionally use regulations, for the development or redevelopment of areas that lend themselves to an individual, innovative planned approach.

However, due to the size and unique nature of the large campuses of universities and hospitals in Davenport, as noted above, it is recommended to maintain the Planned Institutional District be maintained and treated as a district. It would not be part of the PUD regulations.

PUD should function as an effective mechanism for leveraging high quality development.

A key aspect of a PUD is that public benefits and amenities to enhance the City and the local governing body within the proposal. PUD provisions should define the types of amenities or elements desired in

exchange for flexibility and bonuses offered through the PUD process. It is important to remember that, because of its inherent flexibility, the PUD process can become a surrogate for the variation process. When a property owner does not want to meet existing district requirements, they often request a PUD where they do not have to demonstrate a hardship or practical difficulty, as would be required under a variance. Therefore, it is key to list which amenities are required to qualify for such exceptions so that petitioners cannot circumvent basic zoning district requirements without providing measured benefits to the City.

Examples of some of the public amenities and benefits that can be considered in determining whether an exception should be granted include:

- Use of sustainable design and architecture, such as green roofs, white roofs and other energy efficient design concepts, new building technologies, and approval of buildings as Leadership in Energy and Environmental Design (LEED) or LEED-equivalent structures.
- Community amenities including plazas, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities.
- Preservation of natural areas and site design that is sensitive to environmental features.
- Additional open space and recreational amenities such as recreational open space and playgrounds, including athletic fields, dog parks, and natural water features and conservation areas.
- Additional public infrastructure improvements in addition to the minimum required by the planned unit development, such as new or repaved streets, provision of bicycle paths, installation of gutters and sewers, and traffic control devices to improve traffic flow.
- Senior housing set-aside.
- Affordable housing set-aside.
- Provision of public car and/or bike share facilities.

This is not a definitive list but rather a potential list of public amenities and benefits. In some cases, the actual development may be a public benefit. For example, in areas where there is a demand for senior housing, a senior housing PUD can be considered a public benefit.

PUD requires a multi-step approval process, with numerous points of public input.

While a PUD is a special use, the approval process is not simply that of a special use. Because of the complex nature of the application, there are additional steps that require review and approval and offer opportunities for public input. An outline of the process is provided below.

- **Pre-Application Meeting with Staff.** Prior to the formal filing of an application for a PUD, the applicant meets with staff to discuss the proposed development. The purpose of the pre-application meeting is to make advice and assistance available to the applicant before preparation of the concept plan or preliminary plan.
- **Concept Plan.** Before submitting a formal application for a PUD, the applicant presents a concept plan

to the Plan and Zoning Commission for the purpose of obtaining information and guidance prior to entering into binding commitments or incurring substantial expense. Any opinions or advice provided at the meeting are not binding with respect to any official action on the subsequent formal application. This can be an optional step, at the applicant's choice.

- **Preliminary Plan.** Following the concept plan, the detailed preliminary plan is submitted, where the commission would hold a formal public hearing on PUD application. The recommendation would be forwarded to the City Council for approval or denial.
- **Final Plan.** Because all issues and concerns with the PUD should be resolved during the preliminary plan and the public hearing that takes place as part of that approval, the final plan approval is intended to be a technical confirmation of the approved preliminary plan. If there are numerous changes between the approved preliminary plan and the final plan, then the plan requires resubmittal as a new application. Typically the staff reviews the final plan for conformance with the approved preliminary plan, which is then forwarded on to the City Council for approval or denial.

A series of administrative, minor, and major changes for approved PUD should be included to allow for more flexibility.

Over the course of time, different levels of changes may be needed to an approved PUD for a variety of reasons. A more flexible change process may be warranted. One alternative is to create three levels of approval – administrative by the Zoning Administrator, minor by the Plan and Zoning Commission, and major by the City Council. One proposal for these three levels of change is provided below:

Administrative Changes – Zoning Administrator

- Alterations required by engineering or other physical site circumstances not foreseen at the time that the final development plan was approved
- Changes to building design, architectural features and interior planning
- Changes to accessory structures, whether attached or detached
- Changes to the landscape plan that do not result in a reduction in the net amount of plant material or violate the landscape requirements of this Ordinance

Minor Changes – Plan and Zoning Commission

- Any minor extension, alteration or modification of existing structures that does not violate any PUD approval conditions or applicable district regulations
- Changes to the landscape plan that results in a reduction in the net amount of plant material or in the visual impact of the approved landscape plan
- Where major changes are defined by a threshold (feet, percentage increase/decrease, etc.), any changes below that threshold are considered a minor change

Major Changes – City Council

- A change in the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use
- An increase in building height
- An increase in building coverage by more than 5%
- A change in the orientation of any building by more than 10%
- A decrease in open space
- A change in excess of five feet in the location of walkways, vehicle circulation ways and parking areas, or exterior building or structure walls
- A change or relocation of streets
- An alteration, whether an increase or decrease, in the amount of any land use in any stage of the development by more than 10%
- A reduction in the number of parking spaces or an increase of more than ten spaces

// *Intentionally Blank*

NONCONFORMITIES

Nonconformity regulations should be updated to specifically address the variety of potential nonconforming situations.

In any ordinance update, the intent is to eliminate as many nonconformities as possible. Many are eliminated when new or revised districts are tailored to existing conditions or remapping of districts is undertaken, however, some properties and uses will remain nonconforming. Therefore, the nonconformities section should be rewritten for clarity and include provisions for nonconforming uses, structures, site characteristics, and lots. The updated provisions should clearly spell out what types of changes and/or alterations are permissible. The following are the types of nonconformities to be addressed:

- **Nonconforming use.** A nonconforming use is the existing, legal use of a structure or land that is not allowed within the district, created either prior to the effective date of this Ordinance or, as of the effective date of this Ordinance and any subsequent amendment, is made nonconforming.
- **Nonconforming structure.** A nonconforming structure is an existing, legal structure that does not conform to the standards of the district where it is located, created either prior to the effective date of this Ordinance or, as of the effective date of this Ordinance and any subsequent amendment, is made nonconforming.
- **Nonconforming site characteristic.** A nonconforming site characteristic is an existing, legal site characteristic, such as landscape, fences or walls, lighting, or parking, that does not comply with the standards of this Ordinance, created either prior to the effective date of this Ordinance or, as of the effective date of this Ordinance and any subsequent amendment, is made nonconforming. This would be a new category of nonconformity for the City.
- **Nonconforming lot.** A nonconforming lot is an existing lot of record that does not comply with the lot dimension standards of this Ordinance, created either prior to the effective date of this Ordinance or, as of the effective date of this Ordinance and any subsequent amendment, is made nonconforming.
- **Nonconforming sign.** A nonconforming sign is an existing, legal sign that does not conform to the standards of the district where it is located, created either prior to the effective date of this Ordinance or, as of the effective date of this Ordinance and any subsequent amendment, is made nonconforming.

New regulations for nonconforming site characteristics should be added.

Rather than render a structure nonconforming because of a site characteristic related to the building, flexibility should be built into the Ordinance by creating a separate nonconformity category for elements such as landscape, fences or walls, lighting, and parking. The regulations would allow normal maintenance and incidental repair to a nonconforming site element, but prohibit repairs or reconstruction that would create any new nonconformity or increase the degree of the previously existing

nonconformity. The regulation would also spell out when nonconforming site elements must be brought into conformance – such as when a new principal structure is constructed on a site, an existing principal structure is increased in floor area by a certain amount, an existing parking lot is fully reconstructed or an existing parking lot is expanded, or in more specific circumstances related to that element, such as when 50% or more of the length of a nonconforming fence is reconstructed.

Flexibilities should be added to the nonconforming structure regulations for additions and enlargements.

The nonconforming structure regulations can be made more flexible with the addition of two provisions:

- Nonconforming structure regulations should clearly state that only the dimensional element of the structure that is nonconforming is not permitted to be expanded. For example, if a structure is nonconforming in terms of overall height, but seeks to build an addition that is not in violation of the district height limit, that addition can be built so long as it conforms to all other regulations without any special approvals.
- The Ordinance should allow the nonconforming walls (with some limitations) of existing nonconforming single-family and two-family dwellings that are nonconforming in terms of the side or rear wall to be extended. This type of provision is very useful in allowing additions to existing homes, as it encourages continued investment in existing older neighborhoods, preserves the existing housing stock, and is a way to reward property owners who continue to invest in their homes, particularly older homes. Where a dwelling is deemed nonconforming because of encroachment into the required interior side or rear yard, the structure may be enlarged or extended vertically or horizontally along the same plane as defined by its existing perimeter walls, so long as the resulting structure does not increase the degree of the existing nonconformity or otherwise violate this Ordinance.

// *Intentionally Blank*

Davenport Zoning Ordinance Rewrite
Technical Review & Approaches Report

CITY OF DAVENPORT, IOWA | CAMIROS | JUNE 2017

